A REVIEW OF PRIVATE SCHOOLING IN SASKATCHEWAN

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Submitted to:
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Minister of Education

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Acknowledgment

I would like to express my gratitude to the many directors of education, private school principals, parents, citizens, and representatives from educational organizations who participated in this review. I am grateful for the assistance of Saskatchewan Department of Education officials, and for the helpful information provided by Education Ministries from across Canada. This report draws on a multitude of written materials, interviews, school visits, discussions, unsolicited briefs and letters. I would be remiss in not mentioning The Report of the Commission on Private Schools in Ontario, and A Study of Private Schools in Alberta, as two important sources which significantly helped to define issues and recommendations for this review.

This study was funded by the Saskatchewan Department of Education. The conclusions and recommendations of this Report are solely the responsibility of the writer.

Executive Summary

As of March, 1987, there were forty-eight private schools operating in Saskatchewan with a total enrollment of 3,133 pupils, or 1.6 per cent of public and separate school enrollment. Forty-four of these schools are sponsored by religious organizations. School enrollments vary from two to 478 pupils.

Students attending Saskatchewan's private schools are generally receiving a satisfactory education. However, this province lacks proper regulatory legislation to ensure that private schools are periodically inspected and that satisfactory instruction is being offered.

A private school regulatory framework is required which places the onus for private school inspection upon Department of Education officials, specifies criteria to be used when inspecting private schools and provides for a fair dispute-settling mechanism.

As well, there is need for a standardized approach to the supervision of home schooling sites in the province which will clearly define the duties and responsibilities of parents and education officials involved.

The Department of Education should continue to provide operational/capital grant funding to the private high schools presently receiving such funding, but should not undertake a major extension of operating/capital grants to other private schools. However, a case can be made to provide these schools with a modest materials/equipment grant, providing the public treasury can accommodate such assistance and these funds are not taken from monies

allocated to support public schools, which should be the prime beneficiary of public dollars spent on education in order to ensure equality of access to an adequate education opportunity for all children.

The levying of property taxes on private school property by municipal governments is discriminatory and should immediately be prohibited.

Failure to implement needed changes in Saskatchewan's policies respecting private schooling will contribute to a growing sense of frustration and tension among parents and educators.

1. The Review of Private Schools in Saskatchewan

1.1 Introduction

Who shall school our children? What and how shall they be taught? Who shall shoulder the financial burden for their education? In whom shall the final authority for their education rest? These are troublesome questions, and, given our emerging patterns of pluralism in Canada, it is not surprising there are no universally accepted answers to be found.

Public policy debates concerning education have played a fundamental role in shaping our Canadian cultural landscape. The 1867 Confederation agreement would never have been consummated had not the Fathers of Confederation agreed to the establishment of separate Protestant and Roman Catholic school systems.

The century-old, oft-times divisive Manitoba school question, concerning the place of Roman Catholic schooling in that province, the emotional debate engendered by the Government of Ontario's recent decision to extend full public funding to Ontario Roman Catholic high schools, and the 1986 R.v.Jones Supreme Court case respecting government control of private schools in Alberta each demonstrate how near and dear to the Canadian heart matters of education can be.

We quite rightly ask: do parent rights to educate their children supercede state interests? Should municipal governments be permitted to tax the property of private religious schools? Should all private school teachers be certified by the state? Should all private schools be licensed by the government? Should a uniform curriculum be taught to all Saskatchewan children? Are private schools a threat or a benefit to the public good? Do public schools promote shared values of co-operation and tolerance? Do private schools engender elitism and intolerance? Should public funds be used to support private education? Should all private schools receive the same degree of public funding?

In a pluralistic democracy, consensus answers to these questions are difficult to formulate. Long-established traditions, personal school experiences, legal precedents, religious beliefs, constitutional rights, availability of public funds, democratic values and interest-group pressures together form an ever-shifting mosaic of diverse and oft-times conflicting viewpoints concerning the education of our children and the place of private schooling in that process.

1.2 Establishment of the Review

Issues concerning private schooling in Saskatchewan have gained considerable prominence during the past decade. This rise in interest is not peculiar to Saskatchewan. Extensive reviews of private schooling have been commissioned in both Alberta (1984) and Ontario (1985).

More recently, the Supreme Court case of R. v. Jones has focussed national attention on the thorny issue of parent rights versus state control of private education.

Here in Saskatchewan, private schooling issues have been the recent focus of debate in the public press and within educational organizations. In early 1987, the Saskatchewan Teachers' Federation (STF) adopted an official position on private schooling which states that all private schools "should be required to conform to all legislation and regulations applicable to public schools." The President of the Saskatchewan Association of Independent Church Schools has taken exception to this position, arguing that, if enforced, it would mean the virtual extinction of private schools in Saskatchewan.[1]

Both the Saskatchewan School Trustees' Association (SSTA) and the League of Educational Administrators, Directors and Superintendents (LEADS) have recently discussed policy positions on private schooling.

This growing attention to private schooling has, in large measure, been precipitated by considerable growth in the number of private elementary schools and their enrollments during the past decade. At the same time, since a significant number of these schools do not follow the Saskatchewan Department of Education curriculum, or hire certified teachers, concerns are also expressed by some about the quality of education being offered in these private schools.

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1 Leader Post, Regina, Friday, July 17, 1987.

Certain parents in Regina and Saskatoon, dissatisfied with what they perceive to be a secular bias to public education, have petitioned their public school trustees to permit the establishment of alternate schools, with a religious orientation, under the jurisdiction of the public school board. These requests have been denied by school trustees, who cited concerns about the fragmentation of the public school system. The parents in question went on to establish their own successful independent schools.

Some parents who send their children to private, religious-oriented schools have petitioned Ministers of Education to change government funding rules so that their schools will receive at least a measure of public funds, if not full public funding, in the same way that Roman Catholic families are able to benefit from full public funding for the education of their children in a religious environment.

Other private school parents are requesting the right to be able to direct the education portion of their residential property tax to support the cost of their children's education in the school of their choice.

Recently, certain Saskatchewan municipal governments have begun to levy taxes on various private school properties heretofore not taxed. This action has been challenged by affected parent groups in Saskatoon and Regina who have petitioned for redress, while refusing to pay the tax levy, citing its discriminatory nature.

Many directors of education employed by public school boards are reticent to supervise private religious schools, particularly those that do not teach the Department's curriculum, even though present Saskatchewan legislation

places the burden for such evaluation upon the local director of education. Consequently, it is not uncommon for certain private schools to operate in a supervisory vacuum, independent of any outside supervision or inspection. Given the absence of such supervision, questions will quite naturally be raised about whether or not these private schools offer satisfactory instruction.

In response to these concerns, and to the growing demand for various changes to Saskatchewan's public policy respecting private schooling, the Honourable Lorne Hepworth, Minister of Education, has commissioned this review. In his words, "We are commissioning this report because many parents, private school boards and their administrators have asked us to examine the issues surrounding these schools."[2]

Accordingly, this review has been commissioned with the following terms of reference:

- An examination of the Saskatchewan issues surrounding the existence of private schools, home schooling, parent rights, and public responsibility for education;

- Possibilities for and implications of public funding for private schools, including issues of tax on private school property;

- Approaches to managing public responsibility for attendance requirements and quality of education in private schools;

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2 Leader Post, Regina, Saturday, March 14, 1987.

- A review of the current and projected private school situation in Saskatchewan with respect to numbers, types of schools and enrollment;

- A review of approaches followed in other provincial jurisdictions;

- Recommendations with respect to the above issues, including any necessary legislative or regulatory changes.

These terms of reference can be distilled into the following five major questions:

1. Should private schooling be permitted in Saskatchewan?

2. If yes, should the provincial government impose any controls upon private schooling, and if so, what degree of control should be exercised and for what purposes?

3. Should public funds be used to support operating and capital expenses of private schooling, and if so, to what extent?

4. Should provincial legislation permit the taxation of property used for private school purposes?

5. What are the likely trends in favor of private schooling in Saskatchewan and what are the likely impacts on the public school system of permitting private schools to continue to operate in Saskatchewan?

1.3 The Review Process

In order to respond to the preceding terms of reference the following research activities were undertaken by the writer:

1. Consultations were held with:
   - representatives from the Saskatchewan Department of Education;
   - representatives from the Saskatchewan Teachers' Federation;
   - representatives from the League of Educational Administrators, Directors and Superintendents;
   - representatives from the Saskatchewan School Trustees' Association;
   - representatives from the Saskatchewan-Manitoba Conference of the Seventh-Day Adventist Church;
   - representatives from the University of Regina and the University of Saskatchewan Faculties of Education;
   - representatives from the Saskatchewan Association of Independent Church Schools;
   - representatives from the nine publicly-funded private high schools.

2. On-site school visits were conducted at fourteen private schools, as well as the Bergthaler Associated School in the Valley School Division.

3. Directors of Education representing forty-seven school divisions responded to a request to provide written information pertaining to the operation of private schooling in their jurisdictions, as well as make personal observations and recommendations pertaining to the subject matter of this review.

4. School principals representing thirty-one private schools responded to a request to provide written information pertaining to the operation of their independent school, as well as make personal observations and recommendations pertaining to the subject matter of this review.

5. Provincial and territorial jurisdictions in Canada were requested to provide information pertaining to private schooling in their jurisdiction.

6. Saskatchewan Department of Urban Affairs officials were requested to provide information pertaining to municipal taxation of property used for private schooling purposes.

7. Saskatchewan Department of Education officials were requested to provide relevant Department of Education material pertaining to private schooling in Saskatchewan.

8. Various reports, articles, briefs and other literature pertaining to the subject matter of this review were consulted.

In the view of the writer this action plan has been sufficient to enable a well-informed response to the terms of reference and this response is contained in the following chapters. *

* For an indepth review of private school policies in other Canadian jurisdications, the reader is referred to the Cross Canada Survey resource paper prepared in conjunction with A Study of Private Schools in Alberta, Woods Gordon, Edmonton, 1984, and also to The Report of the Commission on Private Schools in Ontario, Toronto, 1985.

2. Review Principles

This review of private schooling recognizes that education is a complex social phenomena - it does not lend itself to simplistic analysis or ready consensus.

As such, this review has sought first to identify certain foundational principles and traditions which the writer believes are generally accepted by Saskatchewan parents, educators and policy-makers as time-proven guidelines for social policy decision-making, and which together build a foundation for the recommendations which follow.

1. Social policy-making is not primarily an academic exercise based upon hard empirical research; nor is it the process of reaching conclusions from esoteric theorizing about the nature of man or what constitutes a just society, as important as these activities may be.

Policy-making in education, as in other social disciplines, is and must at root be a political process which attempts to sort out conflicting or competing values, giving precedence to some and subordinating others in the interests of maintaining social stability while simultaneously striving for a reasonably just and tolerant society. At times this may imply a tolerable level of discrimination against a minority view. On other occasions it may infer that minority interests take precedence over traditional majority thought and practice.

The recommendations of this review are based on the belief that in Saskatchewan there are differing visions of what is both just and appropriate as it respects private school policy, and that those differing viewpoints will, and must, in the final analysis, be arbitrated through the political process, and ultimately by the courts, if necessary.

This review has not been conducted, nor recommendations offered, to satisfy the designs of any special interest group, but rather to continue the search for a reasonably tolerant and just democratic society which strives to accommodate divergent opinions about private schooling without jeopardizing the common good.

The recommendations which follow are therefore offered with the recognition that our political process operates best for all of us when it affirms what is workable, rather than imposing what one or another societal faction or special interest group deems best.

It is the writer's belief that the recommendations contained in this report are workable solutions to a growing set of real and perceived problems respecting the education of Saskatchewan children, and in particular, the operation of private schools in this province. With little or no modification, these recommendations can be adopted by the political process as solutions which can effectively correct present problems and lessen growing social tensions in the education domain for some years to come.

2. Because social policy must be based on the interaction of many social/cultural arrangements, and these often differ from province to province, what works in one jurisdiction may not be appropriate for another.

Saskatchewan has its unique historic arrangements respecting education, which in some cases are substantially different from other provinces. While a review of education policy respecting private schooling in other provinces can help to inform and define the Saskatchewan private school debate, one cannot necessarily extrapolate solutions from British Columbia or Newfoundland.

3. This review accepts the premise that residents of Saskatchewan see equality of educational opportunity as a primary means of helping people realize their potential and thus facilitate the pursuit of their individual goals and aspirations. Publicly funded schools accessible to all are commonly accepted as society's means of providing a general equality of educational opportunity for all children.

While they are by no means perfect, and in some cases may fall well short of parental expectations, public schools play an important role in helping to free people from the disabling historic accidents of poverty, ignorance, physical disability and discrimination.

If all society's children, rich and poor, disabled or non-disabled, immigrant or aboriginal, are to enjoy access to equal educational opportunity, then it is important that the public school system receive sufficient financial resources to meet the needs of all its students.

This is not to say that effective public education is a function solely of the level of government-supplied, per pupil grants. Dedicated teachers working in concert with committed parents will likely accomplish more with fewer resources, than other less dedicated educators working in lavishly outfitted schools.

Nevertheless, in general, equality of educational opportunity means that publicly-funded schools should be the prime beneficiary of public tax dollars spent on education, in order to ensure universal access to a quality of educational experience that the majority of our citizens deem necessary and adequate.

Any redistribution of public tax dollars towards the support of private education and away from the public school system should therefore be resisted if such redistribution will retard the provision of equal educational opportunity for all children. It does not necessarily follow, however, that any public funding of private education need automatically be at the expense of public education.

4. The acceptance, indeed the encouragement, of cultural diversity has been a hallmark of Canadian and Saskatchewan history. In the latter twentieth century the forces of multi-culturalism are everywhere present. As a culturally heterogeneous people we value diversity, and as a democracy rooted in individual freedom we resist imposed uniformity.

Those who call for a monopolistic, publicly-funded and controlled education system are thus speaking at cross-purposes with the fundamental nature of Canadian society. We are a free people in constitution and practice. Such

freedom implies the opportunity to offer and to make choices. It means that permitting and encouraging a diversity of social policy options, within parameters that ensure the common good, should be a valued practice in the education domain, as in other social policy arenas.

Consequently, diversity within the public school system, and the school system at large, designed to meet different parental expectations and children's needs, should be encouraged. Diverse public alternate schools and private school opportunities which meet needs and expectations unfulfilled by traditional public schools should not be discouraged by public policy.

A public monopoly of education would violate important Saskatchewan values of diversity, parental choice, tradition and practice. Private schools that meet minimum standards respecting society's legitimate interests and children's legitimate rights, should receive the legal recognition of the state, as a social policy that befits the best interests of democracy and its implied freedoms and values.

5. Contrary to the United States' experience, there does not exist in Canada a constitutionally mandated separation between church and state. Whereas in the United States public funds have not been used to support private sectarian education, such is not the case in Canada. In most provincial jurisdictions varying degrees of public funds are granted by legislative assemblies to support sectarian education. In Newfoundland this means a variety of religious groups receive full government funding for elementary and secondary education. In other provinces it means Roman Catholic schools are one hundred percent

government funded while certain other sectarian schools receive a lesser amount of government funding.

This review recognizes that varying degrees of public funding for sectarian education, which meets certain state-defined standards, is the rule both in constitutional law and practice throughout most of Canada.

Any reversal of this practice would be divisive in the extreme and it is difficult to presume what social benefit would derive from such a reactionary policy.

6. Educating our children has been viewed in Saskatchewan and throughout Canada as a responsibility to be shared by the parents and the government. It is the role of the family to exercise its natural, God-given, prior right and responsibility for the education of its offspring. While this responsibility may be delegated (e.g., school boards, departments of education), parents remain vested with the prior right and responsibility to school their children. Government policy which thwarts the legitimate exercise of this familial right and responsibility will undoubtedly engender social strife and disrespect for governing authorities.

Wisdom would therefore dictate that parents should be free to choose educational options for their children that accord with family traditions, parent expectations and extended family/ community values and beliefs. The views of professional educators, municipal or provincial governments, or even elected school board representatives, should never be seen as superceding in

importance those of the individual parents whose children are affected by education policy-making.

At the same time, the government has been vested by its citizens with the power to act on behalf of the legitimate interests of the larger society and as a protector of the child's welfare. If an educated citizenry is deemed by the populace at large to be in the common good, then it is a legitimate role of government to ensure that its citizens are reasonably educated. Such government function will imply a certain measure of imposed control over the education of all children, to ensure the interests of the larger society are secured. This legitimate state imposition will of necessity produce conflict, if for no other reason than a democracy which values difference of opinion and free speech will undoubtedly offer different opinions as to how an "educated citizen" is to be defined and what process shall be sanctioned by the state to reach that end.

Nevertheless the intrusion of this state control into matters of education is both a price and a safeguard of democracy and should, within limits, be tolerated by Saskatchewan residents.

Such control must, however, be exercised with due caution, recognizing the prior right of parents, established religious freedoms and democratic traditions of diversity, tolerance and freedom of choice in matters of conscience.

7. Religious freedom, and freedom of conscience, are fundamental elements of democratic life in Canada, sheltered by The Canadian Charter of Rights and Freedoms. Since the education of our young can never be a value-

free exercise, it is inevitable that matters touching the domain of religion will factor into education policy-making. Parents who choose to school their children in an independent, religious-school setting do so for many reasons, not the least of which is the belief, among a small but growing number of parents, that the public school system often functions at cross purposes to traditional Christian values and practices. For reasons of conscience these parents have chosen to school their offspring in an alternate education setting in order to maintain fidelity with what they perceive to be their religious obligation.

Private schools in Saskatchewan are almost universally religious in character, some more so that others. Those who may advocate the abolition of private schools, in favor of a single, public system, ignore the Canadian tradition of religious schooling, a tradition sanctioned in law and by generations of practice. Prudent education policy making will respect this tradition.

8. The centralization and bureaucratization of public education is perhaps the most dominant feature of twentieth century public education. Today, policy discussion and decision-making in the field of education are far removed from the average parent. Large and powerful special interest groups dominate the education landscape. Nevertheless, it remains an important and powerful truism that the greater the involvement of the family in the education of their children, the greater the likelihood of successful teaching and learning taking place.

Schools which encourage parental input are more likely to unite family and educator in the common goal of providing effective learning experiences for the child.

This review believes it is appropriate for the government to make possible an approach to schooling which encourages opportunity for parental and community participation in the education of children.

The existence of alternate public schools and private schools is one means to provide such opportunity.

9. Co-operation in the midst of toleration and diversity are undergirding values which in great measure characterize the Saskatchewan spirit. For generations these values have existed in a delicate balance as reflected in many of our social policy institutions, and education is no exception. Saskatchewan is not a monolithic, homogeneous social unit. We are English, Native, Chinese, French, Ukrainian, Mennonite, East Indian. We are Protestant, Roman Catholic, Jewish, Moslem and otherwise. We are a mosaic that has learned to work together in co-operative effort and to live apart in tolerant neighbourliness.

Social policy engineers who ignore our present social fabric and its historical underpinnings would err grievously if they were to compel in totalitarian fashion a single, uniform approach to the education of our children.

We have learned to tolerate diversity and difference of opinion. At the same time we have learned to co-operate in matters of common interest. Few would argue that we do not all have a common interest in the education of our young. It is therefore not unreasonable to expect that accommodation and compromise, in the spirit of co-operation, should characterize our common efforts to build an education system which attempts, as much as possible, to meet the expectations and alleviate the concerns of us all.

10. A fundamental tenet of democratic policy-making is that tax funded enterprises should be open within reason to public accessibility and accountability. We therefore expect our public education system to be open to public review, accessible to all children, and tuition-free. We expect that it shall be accountable to the parents whose children are being educated, and to the public who are being called upon to fund the enterprise.

Private schools, by their very nature, are not accessible, accountable, or open to the public as are public schools. We quite naturally balk at the notion that public funds should be used for certain private means, unless there is a reasonable measure of public accountability, accessibility and public good that derives from the private expenditure.

For this reason the writer believes that public schools should represent the priority investment in government funding of education, but not necessarily the exclusive investment, for there may be sound social policy reasons for a measure of public funding to be designated to private schooling, as long as the common good is maintained.

3. An Overview of Private Schooling in Saskatchewan

3.1 Introduction

As of March, 1987, there were forty-eight private schools operating in Saskatchewan, providing education to 3,133 pupils, or approximately 1.6 per cent of public school enrollment (including Roman Catholic schools). A decade earlier, approximately 1,621 students were enrolled in private schools, representing 0.7 per cent of total school enrollment.

Saskatchewan's private schools, range in size from two to 478 students. They are found in all regions of the province, except the far north, and are situated in all types of communities, from small rural villages to large urban centres.

Reasons why parents choose private schooling for their children will vary, but generally include: a perception that private schools provide better pupil discipline than do public schools, place a greater emphasis on basic academic skill development, offer an integrated religious/academic curriculum that better reflects the parents philosophy of life and world-view, place greater emphases on inculcating traditional moral values, and provide more acceptable role-models as teachers.

Almost all of Saskatchewan's private schools are sponsored by a religious organization, normally a religious denomination or independent church. Religious themes, motifs, and activities are a frequent and integral element of

these schools, whether it be in the form of a daily morning chapel service, scripture memorization, staff prayer meeting, Christian Ethics course, religious bulletin board displays or textbooks whose authors have woven religious content from front cover to back.

The degree of religious practice manifest varies from school to school. Nevertheless, the unifying factor which sets virtually all Saskatchewan private schools apart from public schools (excluding public Roman Catholic schools) is the religious element. It should be noted that all forty-four private schools which could be classed as religious, offer private schooling in the traditions and beliefs of the Christian religion, although there is considerable variance in both practice and dogma.

A broad religious sponsorship of Saskatchewan's private schools in noted as follows:

SPONSORING ORGANIZATION	NUMBER OF SCHOOLS
Seventh Day Adventist	9
Mennonite	8
Inter-Denominational	8
Roman Catholic	5
Non-Denominational	4
Baptist	3
Pentecostal	3

SPONSORING ORGANIZATION	NUMBER OF SCHOOLS
Lutheran	2
Full Gospel	1
Church of Christ	1
Non-Religious Sponsorship	4
TOTAL	48

Nine of these private schools are eligible according to Department of Education criteria to receive a direct operating/capital grant from the public treasury. The remaining thirty-nine schools are not eligible.

Fifteen private schools do not follow the prescribed Saskatchewan Department of Education curriculum, but rather offer the ungraded Accelerated Christian Education (ACE) curriculum by which students are taught in an individualized fashion using programmed learning materials which stress concept, skill and information mastery before the student may proceed to learning new material.

Twenty-four private schools follow the prescribed Saskatchewan Department of Education graded curriculum. The nine Seventh-Day Adventist Schools offer a slightly modified Saskatchewan Department of Education curriculum.

Detailed identifying and statistical information on each of Saskatchewan's private schools is found in Appendix A.

3.2 The Private High Schools

As of March, 1987, 1,897 pupils were being schooled in what are commonly called the nine private high schools, which are situated in Wilcox, North Weyburn, Prelate, Rosthern, Outlook, Regina, Prince Albert, Caronport and Gravelbourg.

In the last half decade (1982-1987) the total enrollment in these nine private high schools has risen modestly from 1,732 pupils to 1,897.

Each of these high schools receives a direct per pupil operating grant from the Department of Education, and only Department certified teachers are employed as instructors. The Department curriculum is followed in each school.

These private high schools are permanent education fixtures in Saskatchewan. Their traditions and place in the education practice of this province are deeply rooted. They are well-respected within education circles and it is not uncommon for some of these schools to attract significant numbers of out-of-province students to their campuses.

A tenth private high school, St. Joseph's High School, Vibank, Saskatchewan, is operated as a business by an entrepreneur. The Saskatchewan curriculum is followed and certified teachers are employed. Pupil enrollment has dropped from fifteen in 1982 to five in 1987.

3.3 The Private Elementary Schools

In addition to the nine private high schools, there are eleven private elementary schools (with grade levels varying from Kindergarten to Grade Nine) which follow the graded Saskatchewan Department of Education curriculum. In the last half-decade (1982-1987) enrollment in these private schools has increased from 218 to 456.

Seven of these schools are Mennonite in sponsorship, one Roman Catholic and three are non-denominational. All of these schools employ certified teachers except for certain of the Mennonite schools which do not require, for religious reasons, that their teachers have more formal education than is taught in their schools.

3.4 The Seventh-Day Adventist Schools

Seventh-Day Adventist education in Saskatchewan dates back to 1908 with the establishment of two schools, one at Rouleau, the other at Hanley.

In March, 1987, nine Seventh-Day Adventist schools were operating in Saskatchewan offering instruction to a total of 171 pupils. This compares with 161 pupils being taught in ten such schools five years ago.

Seventh-Day Adventist Schools follow a slightly modified Saskatchewan Department of Education curriculum. Adventist teachers are encouraged, although not required by their school system to obtain provincial teacher

certification. However, they must obtain denominational teacher certification which includes requirements of a Bachelor's degree and teacher education courses.

In general, Seventh-Day Adventist schools are not unlike the above-mentioned elementary and secondary private schools, except for minor curriculum modifications and religious differences.

3.5 The Accelerated Christian Education Schools (ACE)

The largest category of private schools is comprised of schools referred to as Accelerated Christian Education schools. There were fifteen such schools in Saskatchewan as of March, 1987, giving instruction to 506 pupils. This compares to 311 students receiving instruction in eight such schools in 1982.

ACE schools are commonly associated with a particular local church. In many cases they operate in church buildings as an adjunct to the total church program. It is not uncommon for the local church minister to be the school principal or administrator.

Students in ACE schools are instructed using packets of self-paced instructional materials called PACES. The content of each subject (e.g., mathematics, social studies) is divided into approximately twelve units of study at each grade level. Students work through the PACE at their own rate and are required to demonstrate mastery of the PACE content by achieving a minimum score of 80% on the PACE test before being permitted to tackle a new unit of material.

ACE schools in general do not require teachers to hold Department of Education teacher certification. However, in some ACE schools all or most teachers are Departmentally certified.

Because ACE schools do not follow the Saskatchewan Department of Education curriculum, graduating ACE students are not granted high school standing by the Department of Education. This makes it difficult for ACE high school age graduates to obtain entrance to Saskatchewan universities or technical institutes upon ACE school graduation since these post-secondary institutes require Departmentally recognized high-school standing before granting entrance to their programs.

3.6 The Non-Religious Private Schools

There are three schools in Saskatchewan which provide education which addresses the needs of pupils with special emotional or socio/psychological problems. These schools follow the Saskatchewan Department of Education curriculum within the limitations of the therapy and counselling services they provide. Only Department of Education certified teachers are employed in these schools.

3.7 Government Operating Grants for Private Schools

In Saskatchewan, a Department of Education per pupil operating grant is provided to private schools which meet the Department's criteria for private school funding.

To be eligible for such funding, the private school:

- must have been in operation for a period of not less than five years;

- must meet the requirements of the Minister and the regulations in respect of courses of study, qualifications of teachers, operating schedules and supervision;

- must have had an enrollment during each of the preceding two years of not less than sixty pupils in grades nine to twelve;

- must furnish the Minister with any information he may require respecting finances and administration.

In school year 1986-87, a total of $3,230,511 was provided to nine private schools which met the above criteria. This amount represents less than one per cent (.98%) of the $328,347,200 provided by the Department in the form of operating grants to public and separate school division boards.

Eight of the nine schools received in 1986-87 an annual per pupil grant in the amount of $1,783 for each Division IV student who is a resident of

Saskatchewan or a foreign student. This private school per pupil grant represents 58.8 per cent of the full Division IV operating grant of $3,028 per pupil which was provided to public and separate school boards.

The ninth private high school, Athol Murray College of Notre Dame, receives the full Division IV per pupil grant which is paid to Wilcox St. Augustine Roman Catholic Separate School Division No. 91.

It can be argued that the Department of Education, by permitting the operation of these high schools, and by providing to eight of these schools a per pupil grant less than the full Division IV per pupil grant, is saving an estimated $1,432,609 in operating grants in 1986-87.

Put another way, if all of the Division IV pupils presently attending these eight high schools were to transfer to public or separate high schools, the Department of Education would have to increase its overall operating grant monies to boards of education by an additional $1,432,609.

3.8 Government Capital Grants for Private Schools

In addition to receiving annual per pupil operating grants from the Department of Education, the nine Division IV private high schools referred to above are also eligible to receive a grant in the amount of ten percent of the total cost incurred for any capital construction undertaken by the private school.

From 1978/79 to 1985/86 a total of $369,974 was granted to private schools to assist with capital construction. This represents 0.1 per cent of the

$339,946,912 provided to public and separate school boards for capital construction and debt retirement purposes during the same period.

3.9 Other Forms of Public Assistance for Private Schools

While direct public-funded operating and capital grants are made available to only nine of forty-eight private schools, various forms of public assistance are from time to time provided to other private schools by some public and separate school boards or other public bodies. Examples of such assistance are listed below:

- shared use of a public school board's audio-visual centre and materials;

- shared use of pupil bus transportation services provided by a public school board;

- gift of used textbooks from a public school board;

- use of a public school board's standardized testing materials;

- access at no cost to driver training education from a school board contracted driver trainer;

- use of public library facilities;

- use of public recreation facilities.

The provision of such services to private schools by public or separate school boards does not appear to be a common practice across Saskatchewan. Only seven of forty-seven directors of education responding to a request for information indicated that their school board provided some form of assistance to private schools. While the number of school boards offering such assistance is not high, it is indicative of a willingness among public and separate school boards within certain communities to work co-operatively with private schools to achieve common educational goals.

It should be noted that private schools can collect full tuition fees from a public or separate board of education should a board elect to purchase educational services for one or more students resident in its jurisdiction from an approved educational agency, which could be a private school. The writer is not aware of any such arrangement presently in existence.

3.10 Sources of Private School Revenue

Most private schools operating in Saskatchewan require a tuition fee payment to help cover the cost of education services provided to pupils by the private school. In addition to tuition fees, in many cases other incidental charges are applied (e.g., registration fees, matriculation fees). Private residential schools also charge for room and board.

Tuition fees vary substantially among Saskatchewan private elementary schools, with some charging as low as $660 per school year for one elementary school child, and others charging almost four times that amount, or $2,400 per

year. Annual tuition/room and board charges at the private high schools are considerably higher ($2,500 - $5,000).

A small number of ACE schools do not charge tuition fees but rather cover the full cost of school operations by utilizing church treasury funds to which it is expected all parishioners will contribute.

All private schools rely on other sources of revenue in addition to tuition fees to generate operating income. These may include: student fees, alumni scholarships, donated income, development income, denominational or church subsidies, and government grants in the case of the nine private high schools.

3.11 Per Pupil Costs in Private Schools

The amount of money expended per pupil on an annual basis varies considerably among Saskatchewan's private schools. Private elementary schools, which do not receive government funds, spend from around $1,200 to $2,200 per pupil per year.

The nine private high schools, which all receive government assistance, spend on average considerably more per pupil per year than the other private schools, in the range of $4,000 to $8,000 per pupil. This is to be expected given the residential nature of these schools and higher costs associated with secondary education.

In comparison, the annual average per pupil expenditure by public or separate school boards in 1986-87 is projected to be $4,148.04.

3.12 Regulation of Private Schools

Neither legislation nor regulations provide for any specific or direct control over the operation of private schools in Saskatchewan by way of requiring such schools to be licensed by or registered with the Department of Education.

However, since compulsory school attendance within a certain age range is required by legislation, Departmentally-employed superintendents or locally-employed directors of education must approve a privately operated program of instruction before a private school pupil can be exempted from attendance at a board-controlled public or separate school.

It is important to note, however, that neither legislation nor regulations provide stated criteria which a superintendent or director must employ when determining whether or not to approve a privately operated program of study.

In practice, the regulation of private schools in Saskatchewan ranges from regular, periodic inspection of some private school teachers, programs and facilities, to an absence of any contact whatsoever between some private schools and an external authority.

The nine private high schools which receive public funds are monitored regularly by an external education authority (e.g., a director of education employed by a division school board) with whom the private school has contracted for the provision of inspection services.

Supervisory practices respecting the other thirty-seven private schools vary from regular, periodic inspection to little or no contact whatsoever.

In the words of one director, "I pay one or two visits a year to the ____ school. This is more or less a courtesy visit than anything else. I do not inspect or assess. The principal of the school, at the outset, indicated that since their school is a private school he would determine the parameters of my visit." Another director has stated, ".... we do not inspect, assess and report on private schools in our jurisdiction."

The reasons provided by private school principals and directors of education for this lack of inspection can be summarized as follows:

1. The Department of Education no longer employs superintendents with duties to inspect private schools. Consequently, even though certain private schools would welcome such supervision, it is not forth coming, due to lack of manpower.

2. Locally-employed directors of education are frequently very reluctant to impose a supervisory/regulatory role upon a private school. This is very understandable. Directors are employees of a school board. They are not employees or agents of the Department of Education. Consequently they do not feel comfortable exercising a supervisory role over private schools which have no relation whatsoever to the director's employer.

3. Directors of education feel they are not provided with clear legislative or Department guidelines to assist them in determining if a private school program

should or should not be approved. This is particularly the case respecting Accelerated Christian Education schools which do not follow the Department of Education curriculum.

For these reasons, certain private schools are presently operating in the Province of Saskatchewan with no supervision, either from the Department of Education or from the local director of education. Consequently, some private schools' programs have not received formal approval as required by The Education Act. Without this approval, all children attending these private schools are technically in violation of the attendance provisions of the Education Act.

In conclusion, certain private schools are presently operating in a supervisory vacuum. For all intensive purposes they are accountable to no one but themselves. No satisfactory mechanism presently exists to ensure that the legitimate interests of the state in these private schools are being satisfied.

3.13 Taxation of Private School Property

In 1986, private schools, or their parent organizations, paid a total of $208,954 in school taxes and municipal taxes. At the same time, by means of private Acts or discretionary exemptions granted by municipalities, private schools were exempted from paying $683,982 in school and municipal taxes (see Appendix B).

Of forty-six private schools operating in Saskatchewan in 1986:[3]

- six private schools paid full school and municipal taxes;

- eight private schools were totally exempt by Private Members Bills of the Saskatchewan Legislature;

- ten schools were exempt partially or totally by municipal councils;

- fifteen schools were partially or totally exempt on the basis that the schools were located in church buildings;

- seven other private schools had exemptions based on a variety of reasons.

If all private schools were exempt from school and municipal property taxation, the total municipal revenue foregone would increase by approximately $209,000.

At present, there is no rational approach to the taxation of private school property in Saskatchewan. This is best demonstrated by noting that for Seventh-Day Adventist schools: one school is exempt from taxation through a Private Members Bill, another is provided partial exemption by its municipal government, another total exemption by its municipal government, others total

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3 The Taxation of Private Schools in Saskatchewan, Department of Urban Affairs, December, 1984.

or partial exemption by virtue of being located in a church building, while another school pays full municipal and school taxes with no exemptions.

The situation is further complicated in that some municipal governments grant exemption from property taxation if the school is located in a church building, while other municipal governments press forward with taxation given similar circumstances, even though up to ten acres of land and buildings used as a place of worship is exempt from taxation under the Urban Municipalities Act.

Parent groups in Regina and Saskatoon have refused to pay recently levied property taxes pertaining to their private schools and are at present challenging such taxation.

4. Should Private Schools Be Permitted to Operate in Saskatchewan?

Private schools presently have an implicit statutory right to exist in Saskatchewan (Education Act, Sec. 156.[a]). This review is of the opinion that private schools also, and more importantly, have a fundamental right to exist pursuant to various provisions of The Canadian Charter of Rights and Freedoms. Cogent arguments in favour of this position have been ably advanced elsewhere, and the reader is referred to A Study of Private Schools in Alberta,[4] The Report of The Commission on Private Schools In Ontario,[5] and The Right to Religious Education and the Constitutional Status of Denominational Schools.[6]

That private schools have a legal right to provide education in Canada is consistent with the practice in all western democratic countries which place a high value on the exercise of personal and religious freedom and which subscribe to the fundamental notion that parents have a prior right to choose the type of education they wish for their children.

Although international declarations are not considered binding in Canadian courts, such declarations are morally suasive. Parental education rights are

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4 Woods Gordon, A Study of Private Schools in Alberta, Edmonton, Alberta, December, 1984.

5 The Report of the Commission on Private Schools in Ontario, Toronto, Ontario, 1985.

6 Brent, A. S., "The Right to Religious Education and the Constitutional Status of Denominational Schools," The Saskatchewan Law Review, Vol. 40, 1975-76.

explicitly stated in the United Nations Universal Declaration of Human Rights, Article 26:3, which states, "Parents have a prior right to choose the kinds of education that shall be given to their children".[7]

The reader is further referred to the First Protocol to the European Convention on Human Rights, 1950, which states, "In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."[8]

Recognition of this parental freedom of choice is a fundamental tenet of education policy in the western world. The importance of this value is further underscored when one notes that although there are western countries (e.g., United States) which permit private schools but do not publicly fund such, most western countries provide substantial public funding to private schools, in some cases on a par with that given to public schools.

Various indicators of public opinion would suggest that Canadian and Saskatchewan residents support the notion of private schooling for children whose parents so choose. For example, two different 1984 public opinion surveys in Alberta indicated the majority of respondents felt private schools should be allowed to operate in Alberta.[9] There is no substantive reason to believe the results of such a survey would be any different in Saskatchewan.

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7 Dolmage, W. R., Public Funding of Parochial Schools: The Supporting Arguments, University of Saskatchewan, Saskatoon, 1987, p. 14.

8 Ibid., p. 14.

9 Woods Gordon, Op. Cit., p. 16.

In addition, neither the SSTA, the STF, or LEADS officials suggest that private schools should not be permitted to operate in Saskatchewan. While a handful of directors of education expressed this opinion, the great majority of such educators did not express opposition to the existence of private schools in Saskatchewan.

Critics of private schools argue that such schools in some cases are educationally sub-standard, or undemocratic (e.g., elitist, promote intolerance), or threaten the well-being of the public school system, and therefore should not be permitted to exist.

The argument that Saskatchewan private schools in general offer education below minimum standards cannot be sustained. In the opinion of this review, children attending these schools are generally receiving an adequate, and in many cases, above adequate level of education. There is little argument that private schools are not doing a commendable job of teaching basic reading, writing and computational skills. For example, according to test result information provided by private school officials, students in Seventh-Day Adventist or ACE schools scored at or above most national or Saskatchewan norms for achievement on the Canadian Test of Basic Skills which is administered annually in most private schools.

While the significance of such test results should not be overestimated, they can and should be used for comparative purposes as a legitimate benchmark

against which parents and the public can make judgments concerning quality of education, in the same way such test results are used in the case of public school students.

Private schools also do a commendable job of instilling traditional values of hard work, honesty, respect, decency, and obedience in their students. This, of course, should not be surprising since most private school administrators and parents place a high priority on character development as a goal of their school program.

While private school pupils are in general receiving an adequate education respecting basic skill and character development, the greatest perceived weakness of private schooling in Saskatchewan is a lack of opportunity for children to be exposed to a broad range of learning experiences, largely due to a shortage (in some cases an appalling lack) of basic learning materials (library books, science and computer equipment, reference books, art and physical education materials).

This deficiency is generally due to private school parents and organizations not possessing the financial wherewithal to purchase additional education resources, something which private school officials unanimously indicated a desire to do if financing were available. In a few cases, this lack of broad learning opportunity may be a function of both financial weakness and inadequate teacher qualifications.

Although most Saskatchewan private schools do not possess facilities and resources comparable in quality to public education, there are notable

exceptions. For example, two ACE schools visited in the course of this review possess physical education facilities superior to many public elementary schools.

Mention must also be made of two other important observations. In many private elementary schools regular, sometimes daily, participation by all students in music activities is very common. For example, in Seventh-Day Adventist schools all pupils must participate in either a school choir or school band.

It was also evident that private schools strive to maintain close family-community school ties. Such relationships are often necessary for the continued operation of the school (e.g., parents participating in fund-raising activities). Skilled parents and community personnel are often utilized in direct teaching functions (e.g., Band, Home Economics, French, Carpentry).

There is no evidence upon which to base a conclusion that Saskatchewan's private schools are elitist, promote undemocratic values, or threaten the health of the public school system. Most public schools in Saskatchewan provide a greater variety of program offerings utilizing more and higher quality equipment and resources than are found in Saskatchewan's private schools. Children attending private schools come from disparate socio-economic backgrounds comparable to those found in public schools. While private schools visited were not equipped to take physically handicapped children, it was evident that in various private schools slow learner/disadvantaged children were being schooled. In some instances private school principals spoke of children being

successfully educated in the private school environment who could not cope or achieve in the public school system.

According to Wilkinson,[10] educational research on elitism and schooling in the United States suggests that the availability of private schools to poorer people may counter the elitism of public schools in wealthy neighbourhoods. Wilkinson notes, "The achievement of students from advantaged and disadvantaged backgrounds tends to converge over time in the private Roman Catholic schools, whereas it tends to diverge in public schools (Coleman, Heffer, and Kilgore, 1982). Such research also consistently indicates that, contrary to some charges that private schools increase intolerance and weaken social integration, students in and graduates from independent (generally Christian) schools have less prejudice against minority groups than do their counterparts from the public school system".[11]

Finally, it should be noted that in 1987, private school enrollments accounted for only 1.6 per cent of public and separate school enrollment. It is thus difficult to believe the operation of private schools in Saskatchewan in any way jeopardizes the viability of the province's public school system.

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[10] Wilkinson, B. W., Elementary and Secondary Education Policy in Canada, University of Alberta, 1986.

[11] Ibid., p. 47-48.

Conclusions

There is no appropriate reason to prohibit the operation of private schools in Saskatchewan, assuming legitimate state interests in efficient instruction are being satisfied. Private schools are an integral element of democratic life in Saskatchewan. They are, for the most part, an expression of religious belief and are safeguarded by constitutional law. While their philosophy and pedagogy may not always accord with the majoritarian views of the public, or with the educational establishment, in general Saskatchewan private schools meet reasonable tests of satisfactory instruction and should be permitted to continue to operate.

Recommendation

1. Private schools be permitted to continue to operate in Saskatchewan.

5. Should Saskatchewan Private Schools be Regulated by the Provincial Government?

If So, What Controls Should Be Imposed and by What Means?

Canadian society has for generations accepted the notion that while parents may possess a natural prior right to educate their offspring in accordance with their own religious and philosophical convictions, the state has an equally important right to ensure that the common good of all its citizens is maintained. Because an educated citizenry is fundamental in the mind of society to maintaining that common good, governments have a compelling interest in the matter of education and have imposed that interest through a variety of laws and regulations.

In deciding the case of R. v. Jones, the Supreme Court of Canada has recently reaffirmed the compelling interest of provincial governments in the education of young citizens by quoting the following statements of the United States Supreme Court in the famous desegregation case of Brown v. Board of Education of Topeka:

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the

> armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.[12]

Until R. v. Jones, the question of whether or not provincial governments had the constitutional right to control or regulate private schools (in particular private religious schools) was somewhat uncertain, in light of the new Canadian Charter of Rights and Freedoms.

However, the Court's decision makes clear that provincial governments do possess the constitutional right to regulate private schools. In particular, the Court found that the government, provided it acts fairly and unarbitrarily, may lawfully require approval of a private school by public education authorities, before attendance at such a school excuses a student from attending a public, board-controlled school.[13]

Present Saskatchewan law requires that a director or superintendent approve a private school program of study in order to exempt a child from attendance at a board-controlled school, and in light of R. v. Jones it would appear that this law would meet constitutional tests. However, this legislation, if maintained, will continue to be a most impractical and divisive means for the Saskatchewan

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[12] Beriault, L., "R. v. Jones: Implications for Saskatchewan," The School Trustee, April, 1987, p. 3.

[13] Ibid.

government to ensure that society's legitimate interest in the satisfactory instruction of all children has been met.

In the first place, many locally-employed directors of education have expressed their opposition to a regulatory mechanism which requires that they assume a pro-active, judgmental role vis-a-vis private schools. This is not surprising, since it could be very divisive in a local community for a director of education to not grant approval of a particular private school program. In addition, the present law provides no stated criteria or guidelines to be followed when evaluating a private school program for purposes of approval or disapproval. Finally, directors of education are not provincial government agents but rather employees of public boards of education, with responsibility to manage local public schools, not private schools.

As well, private school officials are quick to point out that on occasion both local directors and department superintendents may harbour personal bias against private schooling in general, or against a certain type of private school in particular. To require such a person to act as police, prosecutor, jury and judge when it comes to approving or disapproving a private school program is simply not prudent, particularly since The Education Act does not specify any appeal mechanism should the private school feel it has been improperly or unfairly judged.

How then can the Province's legitimate interest in the educational welfare of private school pupils be assured?

It would appear that Saskatchewan is in need of a private school regulatory mechanism which places the onus for inspection upon Department of Education officials, specifies criteria to be used when inspecting private schools, does not compel locally-employed Directors of Education to inspect private schools, places the burden of proof upon the Department of Education to persuade a competent third-party tribunal or court that a particular private school does not meet the test of satisfactory instruction and requires private schools to provide the Department with the necessary statistical and identifying information respecting the private school and its pupils.

"Satisfactory Instruction" Criteria

In order to ensure that private school inspections are conducted in an objective fashion and the same evaluation criteria are applied to all inspections, it is necessary that criteria defining "satisfactory instruction" be spelled out in The Education Act, thus providing standardized guidelines for private school inspections. Such definition would help to ensure that the state's legitimate interest in education is being met and would also reduce the likelihood of improper or capricious evaluations.

It seems reasonable that private schools should be required to use English or French as the first language of instruction, provide education for the same amount of time as students receive in public schools, and satisfy building codes and health and safety regulations.

The question of whether or not private schools should be compelled to employ state certified teachers in order to ensure satisfactory instruction is not as straight forward.

A significant number of private schools presently hire department certified teachers. Other private schools do not. They argue that competent instruction is not necessarily a function of certification, that satisfactory instruction is presently being provided by non-certified teachers, and that the salient criterion is not certification or non-certification of teachers, but rather the performance of the private school pupil at any stage of his or her education.

However, the issue is not so simple. It is true that in certain instances some individuals without formalized teacher training may provide very adequate instruction. They may possess a seemingly innate gift for teaching, not unlike the accomplished musician who plays by ear without formal instruction. Such a teacher, dedicated to his or her charges and disposed to self-improvement as a practitioner, can certainly be an asset to a child's education.

Others without formalized training in pedagogy, but with a sufficiently strong academic background in certain disciplines (e.g., music, art, history, mathematics, science, physical education), a love for children, ability to manage a classroom, and a willingness to learn, may also provide effective instruction. (It should be noted that at present, Saskatchewan public school boards are permitted to hire non-certified teachers in exceptional circumstances. In such cases a probationary certificate is granted by the Department to the teacher at the request of a school board.)

Nevertheless, it is not unrealistic to assume that, in general, and taking into account exceptions such as those mentioned above, an extended period of professional teacher training will likely ensure a higher quality of classroom instruction and student performance than otherwise might be expected.

Modern teacher training places a strong emphasis on academic preparedness, pedagogic technique, an understanding of child growth and development, and perhaps most important, a teaching internship experience where prospective teachers are evaluated under the watchful eye of seasoned professionals as to their fitness for a career in teaching. Prospective teachers who have difficulty managing children, who do not apply or learn basic teaching techniques, who lack necessary communication skills, or who have serious personality problems are commonly screened out as prospective educators.

Since society has a legitimate interest in the delivery of adequate education for all children, and since it is not unrealistic to assume that the process of teacher preparation and consequent certification is an appropriate means to ensure adequate instruction, it is reasonable to conclude that all private schools should be required to employ only certified teachers, or those qualified individuals who would meet the tests of reasonable exceptions to this certification requirement.

Exceptions should be granted on religious grounds when it can be established that the beliefs or traditional practices of a religious sect may be violated by the imposition of state certification of all private school teachers. Such may be the case with certain Mennonite private schools in Saskatchewan.

This review therefore concludes that all private schools should be required to employ certified teachers, recognizing that in some cases exceptions to this requirement are appropriate.

However, while the state has a compelling interest to see that adequate instruction is offered in private schools, and therefore can justify the compulsory employment of certified teachers, it would be unreasonable to expect that all private schools should also be compelled to teach the same curriculum as that taught in public schools.

To assume that the Department of Education knows best what all children should be taught, how they should be taught it and when it should be taught is to wrongly assume that individual parent groups are not sufficiently capable to make such judgments for themselves. Such an over-bearing statism is not healthy for democracy and violates those very principles inherent in the right to establish a private school.

A private school is, by very definition, a different school. As long as its differences do not threaten the public good there are no grounds to argue that private schools should teach exactly what is taught in public schools.

It should be noted that for years now the Department of Education has approved modifications to its curriculum in various private schools (e.g., Seventh-Day Adventist).

Society has a right to expect that all children, whether schooled in private or public settings, will be able to effectively function in a society dependent upon skills and information imparted in its schools. It does not follow, however, that private schools should be required to adhere to the particulars of content, scope and sequence as outlined in the Department of Education curriculum to ensure that society's compelling interest in the satisfactory education of private school children is being met.

Society need only be concerned that private school students are receiving satisfactory learning experiences in those content and skill areas which the government deems to be critical for the on-going, efficient functioning of society. Thus we would expect that private school students receive education in the compulsory areas of: language development, reading, mathematics, science, social studies, health, physical education and the arts.

While these studies need not be offered in the form prescribed by the Department's curriculum, it is reasonable to conclude that private school studies should be compatible with the goals of education for public schools in Saskatchewan, as prescribed by the Department of Education, since these goals are a reflection of what society at large expects for the education of our children. (See Appendix C for a listing of the goals of education as outlined by the Saskatchewan Department of Education.)

It also seems reasonable to argue that private schools should be able to demonstrate learning outcomes comparable to those expected by society from public school students, thus ensuring that private school pupils have been

receiving satisfactory instruction and satisfying the state's compelling interest in education.

In order then to meet the test of satisfactory instruction, the salient criteria to be considered should not be a particular written curriculum, but rather whether the private school is providing instruction in keeping with society's accepted goals for elementary and secondary education, and whether or not the private school pupil is able to demonstrate competent functioning as a student or graduate at a level comparable to that of a public school student or graduate.

Conclusions

1. The Government of Saskatchewan has the constitutional right to regulate the operation of private schools provided it does not act unfairly or arbitrarily, or unreasonably infringes on the right of parents to teach children in accordance with their convictions.

2. The Education Act should be amended to provide a more clearly defined private school regulatory mechanism to ensure satisfactory instruction is being provided in Saskatchewan private schools.

3. In the case of disputes between the Department of Education and a private school, the onus should be upon the Department of Education to prove to a competent, independent third party tribunal or court that satisfactory instruction is not being provided.

4. The Education Act should be amended to provide criteria to be considered when determining whether or not satisfactory instruction is being provided in private schools.

5. All private school inspections should be conducted by Department of Education employed superintendents, and not by locally employed directors of education (unless agreed to by contract between a private school board and a public school board).

Recommendations

1. The Department of Education establish a private school inspection branch with duties to regularly inspect the operation of all private schools in the province to ensure that all private schools provide satisfactory instruction as defined in #4.

2. Private schools be required to provide the Department of Education with necessary statistical and pupil identifying information as required by the Minister of Education, such information requirements to be spelled out in regulations. Failure to provide such information shall be an offense. Parents who send their children to a school which refuses to provide this information shall be guilty of an offense. (Information to be required would likely include such items as: location of school, school officers, contact person, pupil identifying information, and pupil achievement information.)

3. In the event of a new private school being established, such school be required to inform the Department of Education and the affected school boards of its intentions to provide education a minimum of three months prior to the start-up of the private school.

4. Private schools be required to provide satisfactory instruction. A private school shall be considered to be providing satisfactory instruction if it:

a. Uses English or French as the first language of instruction

b. Employs teachers who:

- have been granted a teaching certificate recognized by the Department of Education, or
- have taught for ten years or more, or
- have graduated from a recognized post-secondary institution with a minimum of a Bachelor's degree in a field related to elementary or secondary education (e.g., Bachelor of Arts, Bachelor of Music, Bachelor of Science, Bachelor of Religious Education, Bachelor of Physical Education), or possess appropriate non-certified qualifications (e.g., vocational experience, professional experience, special skills), or
- are instructing pupils in a private school sponsored by a religious group whose practices and/or beliefs would be violated by a requirement to hire state certified teachers.

c. Includes learning experiences in language development, reading, mathematics, literature, social studies, science, health, physical education and the arts, and these learning experiences are compatible with the goals of education as prescribed by the Department of Education, and are appropriate for the age and ability of the students.

d. Meets the requirements of the Education Act respecting the number of school days in operation.

e. Satisfies all appropriate building codes, public health and safety regulations.

f. Demonstrates pupil achievement commensurate with provincial public school norms for pupil achievement based on the use of standardized tests commonly employed to measure pupil achievement in public schools.

5. Any private school presently not meeting the teacher certification requirements listed in 3b. should be required to meet these standards within a period of seven years. (This will permit private school teachers to continue their employment and upgrade their qualifications without substantial disruption to the career of the teacher or present employment patterns of the private school.)

6. A private school shall be deemed to be providing satisfactory instruction unless proved otherwise in accordance with #7 below.

7. The Education Act be amended to provide for the establishment by the Minister, when reasonably requested to do so, of a private School Tribunal to adjudicate disputes arising between any private school and the Private School Inspection Branch of the Department of Education. This Tribunal would be comprised of one person nominated by the Department, one person nominated by the private school, and a chairman agreed to by both parties. The decision of the Tribunal would be appealable to the judicial system. The Tribunal should have the authority to compel the private school or the Department to take any action that is deemed necessary to ensure that the 'satisfactory instruction' provisions of The Education Act were being met.

8. Parents who send their children to a private school which fails to meet the satisfactory instruction provisions of The Education Act shall be guilty of an offense.

6. Should Public Assistance be Provided to Fund Operational/Capital Costs of Private Schools?

If So, To What Extent Should Such Funds Be Granted and Under What Conditions?

The Department of Education presently provides financial assistance in the form of direct operating/capital grants to the nine private high schools in Saskatchewan. Such assistance is not provided to any of the remaining thirty-nine private schools operating at the time of this report.

The issue of a further extension of public funding to Saskatchewan private schools is both complex and controversial.

Public schools are distinctive and uniquely different from private schools in that they are accountable to the public through trustees elected by the citizenry at large and they are universally accessible to the public. Public schools are the means chosen by society to ensure that all children, with no exceptions, will receive adequate education and will have an equal opportunity to that education. The scope of public purpose thus demanded by public schools is such that these schools should represent the priority investment in government funding of education.

However, private schools serve an important public purpose of educating a small but not insignificant number of children, and thus contribute to ensuring the public good through an educated citizenry. Saskatchewan's private schools contribute to a richness and diversity of Saskatchewan education and are a

symbolic and real manifestation of our democratic commitment to freedom of choice and a parental right to choose an education for their children in keeping with the parent's personal philosophical convictions.

At the time full public funding was extended to Saskatchewan's Roman Catholic high schools in the 1960's, the provincial government recognized that to fully fund these schools and to not extend a measure of public funding to the nine private high schools which were instrumental in providing effective secondary education to large numbers of Saskatchewan students, would have been insensitive and discriminatory, and consequently, even though not legally obligated, the provincial government has now for many years provided a per pupil operating grant to these private high schools.

To discontinue this practice now would be divisive in the extreme. Various private high schools, if denied this government assistance, would have to terminate their programs and close their doors due to insufficient funding. Many of these schools invested in capital programs with government encouragement through cost-shared capital grants. Many parents have relied and will continue to rely on these schools to provide a quality education for their children. It is therefore reasonable to conclude that the present funding arrangement has become so institutionalized as to take on the form of a socially binding contract. For this reason the Department of Education should continue its present practice of providing operating and capital assistance to the nine private high schools.

The issue of whether or not present levels of public funding for private high schools should be increased to funding equivalent to that received by public

schools, and whether the remaining thirty-nine private schools (mostly elementary in nature) should receive any public funding is not so readily decided.

The essential arguments opposed to public funding of private schools are as follows. Public support for independent schools jeopardizes and undercuts democratic values and practices by encouraging segregation, inviting intolerance and threatening both equality of and access to educational opportunity by reducing funding for public schools. As well, any major new public funding initiative for private schools would be untimely in light of the present financial constraints facing government. Finally, it is argued that parents, through means of publicly elected trustees, have at their influence a vehicle to effect change within the public school system more in keeping with their philosophy and personal convictions. The public system is not a closed system. It is by its very nature a public system - open to change. Parents dissatisfied with the public system are constitutionally free to independently educate their children, but they should not be granted public funds which should be solely employed to ensure that all children have access to equal and adequate educational opportunity.

In support of an extension of public funding for private schools it is argued that private schools perform a public good - the education of a small but significant number of children. Society is justified in recognizing this contribution to the public good by means of financial supports. As well, because society compels attendance at school, and also permits parents to meet this legal obligation through private schooling, and because parents have a right to such schooling options, government should not thwart the exercise of this right by not providing

public funds to parents who would choose private schooling but can't afford it, or who make tremendous financial sacrifice to exercise their right, a sacrifice which other parents need not make who possess adequate financial means, or who send their children to public schools.

It is also argued that public funding for private schools is in society's best interest because it ensures that children in private schools will receive an education equal to that of public school children, thus benefiting society. At present, many private schools lack basic materials and resources to provide as broad an education as in public schools.

Finally it is argued that refusal to provide equal public funding to all religious schools which the state permits to function constitutes religious discrimination as defined by The Canadian Charter of Rights and Freedoms.

The argument that private schools inadvertently or otherwise may invite intolerance, misunderstanding and prejudice does, on the surface, appear plausible because public schools, simply by virtue of a great mixture of student groupings, are more able to provide a common acculturation experience and lessen prejudices and tensions which may be precipitated through segregation. However, this plausibility may be more of an assumption than a factual reality, in light of the research cited earlier in this report.

It must also be noted that for many years various private schools in certain provinces have received public funding ranging from up to 85% in Quebec, 75% in Alberta, 57% in Saskatchewan, 35% in British Columbia, and 20% in Manitoba. These substantial levels of public funding for private schools, for

some period of time now, do not appear to have contributed to a lessening of commitment among our citizens to commonly held democratic values. On the contrary, Canadians seem to be embracing more vigorously than ever such ideals as multi-culturalism and its inherent toleration of others.

It is difficult to agree with the position that public funding of private schools has over time undercut government commitments to public school funding. According to Wilkinson, total government spending in Canada from 1970 to 1985 for elementary and secondary education more than quadrupled (even though the cost of living only tripled and school enrollment significantly declined during this period).[14]

Here in Saskatchewan total operating grants to public schools increased from $96 million in 1974 to $328 million in 1986, even though enrollments fell from approximately 216,000 to 191,000.

There are those who may argue, however, that the public school system is presently underfunded, and will continue to be so as enrollments increase due to natural demographic changes in the future, and since public schools should be the priority focus of public spending for education, there can be no justification for increasing public spending on private schooling, even if a legitimate case of discrimination against private school parents exists. The greater public good of maintaining a public school system should take precedence over the lesser public good of supporting parents to send their children to private schools.

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[14] Wilkinson, Op. Cit., p. 3.

However, this argument does lack some merit when one notes that even if full public funding were extended to all Saskatchewan private schools (the nine private high schools are only partially funded), such funding would still amount to an extremely small percentage of the total public spending on education.

As well, given the nature of the education process, where every educational dollar is fully spent each year, it is natural that the public school community will see itself as never having sufficiently adequate resources to do the job. While in theory, and possibly in practice, this may arguably be the case, the argument is problematic since one has difficulty conceiving of a situation where a person would not always be calling for more dollars to be spent on public education because a more effective job can always be done, and thus forever "freezing out" any competing claim for public funding of private schools (for who could definitively say that at this point in time no further funds will be needed for public education?).

Thus, by way of analogy, just as governments must give attention to competing demands for public dollars to be spent on health care and highway construction and divide the public dollar according to social need, governments must also pay attention to the legitimate competing demands for public dollars to be spent on public and private education and divide the public dollar in accordance with the public good defined in terms of an adequate, effective, equal opportunity public education system on one hand and legitimate recognition and fairness of treatment for private education on the other hand.

It is conceivable that the provision of additional funds to private schools, although modest in amount, if sufficient in size could result in some immediate shift in enrollment from public to private schools and to some continued shift over time as certain parents, dissatisfied for whatever reasons with public education, established greater numbers of private schools in light of the now available public assistance.

The question is whether or not this shift of enrollment would be large enough to threaten the well-being of the public education system, thus endangering equality of education opportunity for some pupils in certain parts of the school system since, it is argued, trustees may be forced to close schools, reduce staff, increase multi-graded classrooms and pupil/teacher ratios and offer fewer programs for students - because public enrollments have declined as students have left for private schools and the public school board has consequently received fewer government dollars with which to fund its programs.

It is difficult to predict the degree to which enrollments may or may not shift if additional monies were granted to private schools. Any such enrollment shift would be dependent upon a variety of factors, not the least of which would be the amount of funds being made available to private schools and the degree to which those funds could offset tuition costs to parents. However, even with full public-funding of private schools it is highly unlikely that any shift would be very significant using provincial enrollments in total.

The greatest growth in private school enrollment in recent years has been at the elementary school level in private schools operated by conservative Protestant groups such as Mennonite, Seventh-Day Adventist, Baptist, Pentecostal, Full

Gospel, Independent, or in schools operated by non-profit societies whose school philosophy and program would appeal to families of a more conservative Protestant persuasion.

Canadian sociologist, Reginald Bibby, in his recent exhaustive survey of religious practice in Canada has estimated that no more than six per cent of Canadians can be categorized as Conservative Protestants.[15] It would thus appear that the pool from which private schools presently attract the majority of their students is a relatively small proportion of the population as a whole. While this population group is growing, it is not increasing its percentage of the expanding population, according to Bibby.

It is therefore unlikely that an increase in public funding to private schooling in Saskatchewan will result in any substantial shift of enrollments from public to private schools. This equation may change however, should a new sociological grouping develop a dissatisfaction with public schools to the extent that it would choose to support a private school option. While other than conservative Protestant parents do send their children to private schools, this group would appear at present to be the only statistically significant group so doing. There does not appear to be any new grouping of society presently in formation of which a significant segment might have similar positive aspirations in favor of private schooling.

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[15] Bibby, R. W., Fragmented Gods - The Poverty and Potential of Religion in Canada. Irwin publishing, Toronto, 1987, p. 27.

It must also be noted that due to a natural demographic change as a result of the large pool of baby-boom offspring now reaching school ages, it is projected that public school enrollments will experience a natural increase in the years ahead. In large urban centres this natural enrollment increase will likely be further augmented by the effect of continued urbanization.

It is thus more reasonable to conclude that any increase in public funding to private schools, sufficient in size to induce parents to transfer their children from public to private schools, will likely not result in reduced public school enrollments, but rather would result in a modestly smaller increase in the overall expected growth of public school enrollments in the province. Given such a scenario, government funds directed to public education would still increase, since the provincial government funds public schools on a per pupil basis.

However, the picture could change when we move from the macro provincial level to the micro school division level, particularly the small rural school division. At this level, it is argued any extension of public funding which induces parents to make enrollment changes from public to private schools may have significant impacts upon the quality of education that some children in that school division would receive. Even a modest shift of twenty pupils (a half-dozen families) in one community could ostensibly result in some of the following effects: small school closure and amalgamation with a larger school, longer bus rides, more multi-graded classrooms, increased pupil/teacher ratio, reduction of special programs for the gifted or handicapped, fewer up-to-date materials and resources.

Such outcomes may not be exaggerated and are worthy of consideration, especially in the case of a rural school division which for reason of the financial health of the area is not willing to impose increased education taxation to make up for any of the lost government-funded grant monies which are no longer available due to the transfer of twenty students to a private school. (At projected 1987 grant levels, if twenty Division III pupils were transferred, the school board in question would lose approximately $50,000 in revenue, no insignificant loss for a small rural school division).

The possible negative implications attached to the above scenario are further highlighted when one considers that small rural school divisions will likely not have the luxury of making up lost revenue through natural population increase or urbanization trends, as will urban school boards. Thus, it is argued that one could conceivably see a lessening of education quality in rural school divisions vis-a-vis urban counterparts if inducement public funding were provided to parents who sent their children to private schools.

It is difficult to assess the validity of these legitimate concerns. For some decades now, rural school divisions have experienced enrollment declines from time to time and have had to adjust their programs accordingly. As well, at present, the Department of Education, by means of a sparsity factor included in grant calculations for rural school divisions, does partially take into account the impact of declining public school enrollments.

However, if public school enrollments did happen to decline in a small rural school division due to the establishment of a private school, in part because of government funding, and if the public board felt obligated to retrench its

programming as a consequence, it is not inconceivable that considerable social tension and community fragmentation could occur, as public school parents blame private school parents for a perceived, if not real, reduction in the quality of public school education in that community.

In the opinion of this review, such a possibility of program retrenchment in the small rural school division, and the attendant community friction which could follow, as well as a possible lessening in equality of educational opportunity in that school division vis a vis other school divisions, should give cause to question the desirability of any significant extension of public funding for private schools.

It must be noted however, that present full funding of Roman Catholic schools when compared with a lesser level of public funding for other religious schools which offer satisfactory instruction, may, in the eyes of the courts, be seen to be unconstitutional, and thus supercede any of the concerns delineated in preceding paragraphs regarding the impact of greater public funding of private schools.

However, until such time as the courts may rule on the constitutionality of present funding arrangements, in the opinion of this review it would not be prudent to proceed with a major public funding initiative for private schools.

As well, the rather obvious present difficulties facing the provincial government treasury must be considered. With the government forced to deficit finance and restrain spending on social programs deemed important by the public, many

would argue it would be very untimely to extend public funding in a major way to private schools during an era of such restraint.

There is, however, in the opinion of this review, a persuasive case that can be made for a modest degree of public funding to private schools, which will not in itself be sufficient to act as an inducement for parents to remove children from the public school system, but which would assist private schools in the provision of a more well-rounded educational experience than is presently possible.

Many private schools suffer from a shortage (in some cases a severe lack) of certain basic educational resources and instructional materials, whether these be textbooks, physical education equipment, library resources, science equipment, even a single school computer. To assist all private schools, which meet the test of providing satisfactory instruction as earlier defined in this report, with a very modest annual materials/equipment grant would not endanger the integrity of the public school system, would in a small, but important way, recognize the public good of private schools, and would assist these schools to offer a more balanced educational experience.

However, any such assistance should not reduce present levels of funding, or any projected increases in funding for public schools and should only be implemented in a timely way, keeping in mind the fiscal restraint environment in which the government treasury must operate.

A separate but related argument advanced by the proponents of public funding for private schools is that private school parents are faced with "double", hence discriminatory taxation. They must pay tuition fees to educate their child in the

school of their choice, but they must also pay property taxes to fund public education. This discrimination would be rectified if parents were able to direct the education portion of their property tax to support the school of their choice, a private school.

While this argument no doubt has suasion with the private school parent who is paying both the tax and the tuition, it is without merit in the opinion of this review. It should be obvious that a tuition charge cannot be equated with a tax levy. The real question is whether or not the private school parent should be called upon to help fund a public school system in which his/her child is not enrolled. The education tax represents a general levy which society has deemed essential to ensuring a common good, that being an educated citizenry. Private school parents have a compelling interest, as do public school parents, couples with no children, and parents whose children are past school age, in seeing that all children receive an adequate education. The common good of all justifies a common tax levy from which no one should be able to opt out.

Conclusions

In the opinion of this review the Department of Education should continue its present program of financial assistance to the nine private high schools, but this level of assistance should not appreciate in the future in any amount greater than that experienced by the public school system.

Direct operating/capital grant dollars from the public treasury to cover operating costs (e.g., teacher salaries) should not be extended to any private school

beyond that presently offered to the nine private high schools. (However, should a tenth private high school commence operation in the province, and meet the same criteria as are presently applied to the nine existing private high schools, it would be difficult to justify withholding public funds to support such a school.)

A modest materials/equipment grant should be offered to those private schools not presently receiving any government assistance, but these funds should not deplete any revenues presently directed toward, or likely to be directed toward, public schooling, and should only be offered at an appropriate time in light of fiscal restraints.

Recommendations

1. The Department of Education continue providing operating/capital grant assistance to the nine private high schools presently operating in the province, but should not extend operating/capital grant assistance to any private school presently not receiving such assistance.

2. As funds are available, and without depleting resources directed towards public schooling, the Department of Education provide a small annual materials/equipment grant to all private schools lawfully operating in the province, and presently not receiving public funding, to assist with the purchase of needed educational materials and equipment, such grant to be calculated on a per pupil basis. (An average per pupil amount of $50 annually would satisfy the concerns of this review in terms of maintaining the integrity of the public

school system while at the same time providing an appropriate level of assistance with which to upgrade education resources in private schools. By way of comparison, the cost of supplies and equipment in the public school system in 1986 was projected to be $200.48 per pupil. An annual grant of $50 dollars per pupil would provide the average private school with annual assistance of approximately $1,200 with which to purchase materials/equipment.)

7. Should Municipal Governments Be Permitted to Tax Private School Property?

The critical question to be addressed in this section is whether or not municipal governments should be permitted to levy a tax against land and buildings used for private education purposes, as is presently occurring in various Saskatchewan municipalities.

Since the cost of such a tax burden is in part paid using private school tuition fees charged to the parent, and since most of the private schools in Saskatchewan paying property tax are religious in nature, and since many parents choose the private school option for their children out of a religious conviction, it is difficult to reach any other conclusion but the following: if some parents send their children to private religious schools and help to pay property taxes through their tuition fees, while other parents who send their children to different private religious schools do not through their tuition fee pay property taxes because the private school has been legally exempted from paying such taxes, then clearly, some parents have been forced to assume an unfair burden of taxation as a consequence of the exercise of their religious convictions. If such a case exists, then it is clearly discriminatory in the opinion of this review.

There is no doubt the situation described above exists in Saskatchewan. Various private religious school properties are being taxed. Others are not (see Appendix B). Consequently, one can reach no other conclusion but that discrimination exists.

In the opinion of this review there is no sound reason to support such discrimination. Arguments that municipal councils need the tax revenue (and well they might), or that the loss of tax revenue may make it difficult for a small rural school division to maintain its full complement of public schools, are not of sufficient weight to supereede the fundamental principle of fairness.

It could be argued that all private schools would have been fairly dealt with if each municipal government were free to make the choice to tax or not to tax. That, however, is not the case. The provincial legislature has chosen, by means of Private Members Bills, to exempt certain private religious schools from taxation. Other private schools have unsuccessfully attempted to secure similar exemptions.

An additional consideration is whether or not it is appropriate for the function of schooling to be taxed at all (irrespective of the religious discrimination issue), because by permitting the taxation of private schools the government is in essence permitting the taxation of the schooling function, or more important, is permitting the penalization of those persons, by means of taxation, who choose certain types of schooling functions, but not others. It is important to note here that public and separate school board properties are not taxed.

However, since the government compels attendance at school, and since it permits parents to choose private schools over public schools to fulfill this attendance requirement, this "right to choose" would seem to be something less than a full right if it means that the exercise of one parent's right will cost that parent more than someone else, because of the effect of discriminatory taxation.

It seems clear that if the provincial government permits private schools to operate, and if these schools meet the test of satisfactory instruction as defined earlier in this review, then there is no legitimate reason for the government to permit some private schools and their supporting parents to shoulder a discriminatory tax burden.

This conclusion is in keeping with the practice followed in various other provincial jurisdictions.[16]

In Alberta, any non-profit educational organization may apply to the Minister of Municipal Affairs for an order declaring its property to be tax exempt if the organization owns the property and the property is used chiefly for educational purposes.

Assessment is also exempt on any parcel of land held by or for the use of a religious body on which is situated a building used chiefly for religious education. The limit on this exemption is one-half acre in cities and four acres elsewhere.

In Manitoba, every private school (including buildings and land to the extent of four acres but not exceeding 10 acres used in connection therewith) which meets the requirements of The School Attendance Act is exempt from assessment. Buildings and land (maximum of 2 acres) used for Sunday School purposes is also exempt.

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[16]The Taxation of Private Schools in Saskatchewan, Op. Cit., p. 7.

In British Columbia, every building (and the land on which the building stands and lands surrounding the building as may be determined by council) of any incorporated institution which gives children instruction accepted as equivalent to that provided in a public school is exempt from taxation.

In Ontario, buildings and grounds (not exceeding 50 acres) used by a private school (with approved curriculum and qualified instructors) for educational purposes is exempt from taxation.

Conclusion

This review is of the opinion that some Saskatchewan parents are being unfairly discriminated against by virtue of municipal taxation of private school property and that such discrimination should be swiftly corrected by action of the provincial government. The most appropriate means to correct this injustice would be for the provincial government to prohibit the taxation of private school property used for educational purposes. The only other possible means of correcting the discrimination would be to repeal all Private Members Bills granting special tax exemptions and permit each municipality to deal with private schools in its jurisdiction as it sees fit, or to permit every private school in the province to enjoy the special status of tax exemption by means of a Private Members Bill. Neither of these two suggestions are realistic.

While the recommendation which follows will undoubtedly be opposed by local governments, it is the only realistic means by which a blatant property tax discrimination can be corrected.

Recommendation

The Urban Municipality Act be amended to exempt from property taxation any property (land or buildings) owned or used primarily by a nonprofit corporation, including church or religious organization, for the purpose of delivering education services which parents may lawfully choose for their children to fulfill attendance requirements under the Education Act.

This amendment should also provide for the retroactive exemption from taxes levied, but not yet collected.

8. Should Home Schooling Be Permitted In Saskatchewan?

If So Under What Conditions?

It is difficult to accurately estimate the number of Saskatchewan children who are receiving their education at home under the tutelage of their parent or guardian or some other person.

In British Columbia the number of home schooling families is estimated at up to 2,000.[17] Representatives from the Alberta home schooling movement indicate that as many as 3,000 to 5,000 children may be home schooled in that province, with a very conservative estimate of 1,000 home schoolers, based on the number of actual known home school families.

However, home school representatives point out that a large number of families do not wish to publicly identify themselves for various reasons as home schoolers, and therefore, the number of Alberta home schooled children is likely well in excess of 1,000.

According to representatives from the Saskatchewan home school movement, organized home schooling is not as advanced in this province as in Alberta, and given a smaller population, the number of children home schooled in Saskatchewan will be considerably fewer. However, it is clear that a significant number of children are being home schooled in Saskatchewan. Representatives from the Southwest Saskatchewan Association for Home-

[17] Alberta Report, August 10, 1987, p. 30.

Based Education indicate that in their region, centered around Swift Current, there are forty to fifty families home schooling their children. It is quite possible that in excess of 500 and as many as 1,000 Saskatchewan children may be receiving their education in a home school setting.

In the opinion of this review there is no sound reason in principle to prohibit a parent, guardian or other person from providing education to a child at home or elsewhere. While it is conceivable that in some instances (e.g., due to prolonged lack of social interaction) a child may be more harmed than helped by home schooling, such a possibility is not sufficient warrant to discourage or prohibit parents from home-schooling their children, if they so choose.

Canadian society, along with other western democracies, has recognized the right of parents to exercise their freedom of conscience and freedom of religion in respect of their children's education and permitted parents to choose private schooling or home schooling as legally sanctioned options.

Here in Saskatchewan home schooling is permissible under Sec 156 (a) of The Education Act which reads, "A pupil may be exempted from attendance at a school, and no parent, guardian or other person shall be liable to any penalty imposed by this Act, where: (a) the pupil is under a program of instruction approved by the director or superintendent at home or elsewhere."

Any attempt to legislatively prohibit home schooling in Saskatchewan would undoubtedly be struck down under the freedom of conscience and freedom of religion defences granted by The Canadian Charter of Rights and Freedoms.

The arguments in support of home schooling are identical to those principles cited in support of private schooling found in Chapter 4 of this review. Suffice it to say that the state's compelling interest is in ensuring an educated citizenry. Whether children are educated in public schools, in private schools, or in homes is immaterial to the state's legitimate interest in education.

The state, however, does have a legitimate interest in ensuring that children schooled in any of these environments are provided satisfactory instruction. However, present Saskatchewan law, which simply requires a director or superintendent to "approve" a home schooling program, permits a multitude of regulatory approaches to home schooling across the province, some which may not sufficiently meet the test of satisfying the state's compelling interests. This review is of the opinion that the present regulatory environment for home schooling in Saskatchewan is not adequate to ensure that satisfactory instruction is being provided at home schooling sites in the province.

This is not to say that inadequate education is necessarily being provided at various home school sites. It does mean, however, that the absence of any specific, standardized, regulatory requirements concerning home schooling would definitely permit the possibility of a lower than adequate quality and efficiency of education. As well, there appear to be great inequities throughout the province as to the services and materials which may be provided free of charge to home schooling parents.

Some home school sites are visited but once a year by an education official, while in other cases there are regular, monthly visits to ascertain progress and quality of instruction. Most home schoolers participate in some form of school-

board-sponsored standardized achievement testing, although it is not clear that all students do. Some Divisions provide home schoolers with free textbooks and access to support services. Other Divisions provide no supports or materials. At least one Division has enrolled home schoolers on a local school attendance register, thus qualifying for a per pupil operating grant to cover the costs of supervision and provision of materials. In this Division a local teacher is assigned to maintain regular supervisory contact, and the child and home schooling parent are encouraged to participate in school social events (playdays), educational experiences (field trips) and utilize the school library. Other school divisions seem to express but a modicum of interest in the home schooling pupil and parent.

Conclusion

In the opinion of this review there is need for a standardized approach to the supervision of home schooling in the province and to the provision of support services/materials to the families in question. It is important to clearly define the duties and responsibilities of the parents and education officials involved in order to ensure quality of education and equity of treatment. It seems practical that local school boards should assume responsibility for the supervision of home school programs and for the provision of support services and materials to the home school family. In return, the school board should receive financial recognition from the Department fo Education for the provision of these services.

Recommendations

1. Home schooling be permitted to continue in Saskatchewan.

2. Parents who wish to home school be required to provide the affected school board with adequate notice of their intention to provide such education.

3. Parents who are providing for the home schooling of their children be required to provide for the satisfactory instruction of their children and annually submit an appropriate detailed educational plan for their children to the local director of education.

4. Children who are home schooled be required to annually write such standardized achievement tests, under the supervision of a school division teacher or official, which would normally be given to all public school pupils from time to time (e.g., Canadian Test of Basic Skills).

5. School boards be required to make available at no cost to the parent all instructional textbooks and classroom teaching materials which could appropriately be used in a home school setting and which are commonly given to each child attending schools in the school division in question.

6. Boards of education, through their director of education, be required to provide for on-going supervision of all home schooling activities in their respective jurisdiction and to ensure that "satisfactory instruction" as earlier defined in this report is being provided, taking into account the natural

limitations of the home environment and the right of parents to educate their own children. Such supervisory contact should take place no less than once a month.

7. The Department of Education be required to provide per pupil operating grants to the Board of Education in question for any child being home schooled and who is resident in the school division, and listed on a home school register maintained by the Board of Education. The amount of the per pupil grant need not equal the size of the per pupil grant normally given for children attending the Board's schools, but it should be adequate to cover, on a prorated basis, all costs that will be incurred by the board through the provision of materials, support, supervisory and inspection services.

8. In the case of disputes between the home schooling parent(s) and the Board of Education concerning whether or not satisfactory instruction is being provided, the matter may be referred, by request of either party, to the Minister of Education who shall establish a review Tribunal, comprised of one person nominated by each party and a mutually agreed upon chairman. The Tribunal shall have the power to determine whether or not satisfactory instruction has been provided and shall have the power to order any of the parties to take any action the Tribunal deems appropriate to effect satisfactory instruction. The decision and order(s) of the Tribunal may be appealable to the judicial system.

9. As much as possible the school board should facilitate on-going contact between the home schooling parents and children and the local school through such means as:

- participation in special school day events
- utilization of school resources
- appointment of a local school teacher to provide support to the parent(s)

9. Associated Schools

Until recently, Saskatchewan parents had two options to choose when educating their children - a public school, or, if personal finances permitted, a private school.

Some Saskatchewan parents have attempted to establish a third option, that of alternate, parent-run schools which would remain under the legal authority and funding mechanism of a public school board, but which through a negotiated arrangement between the parents and the school board would provide a distinct educational experience for their children, more in keeping with the philosophical and religious convictions of the parents than is presently the case in the public school system.

Attempts were made in recent years by parent groups in both Regina and Saskatoon to negotiate an agreement with the public school boards in each city to establish such alternate schools. Both attempts failed as public school board trustees cited concerns such as the possible fragmentation of the public school system and the mixing of religion and public education. In these two cases the parents in question proceeded to establish independent schools which have grown considerably since their inception.

However, some parent groups in the province have been successful in negotiating various alternate school arrangements with certain school boards.

A parent group in the Valley School Division has contracted such an arrangement for a largely parent controlled school operating under the legal authority of the public school board. This negotiated arrangement will be entering its second year of operation in the Fall of 1987.

The basic features of this arrangement between the Bergthaler Mennonite Church and Valley School Division Board are as follows:

- the parent group is financially responsible to cover the costs of pupil transportation, school building and grounds maintenance, costs of office and maintenance staff, insurance, costs for library books and certain supplies and equipment;

- the school board is responsible to pay teachers' salaries and provide textbooks;

- the school board is the legal employer of the teachers who are members of the Saskatchewan Teachers' Federation;

- the teachers are selected by a teacher selection committee with representatives from the parent group, the school board and school board administration;

- the agreement runs for a five year period.

Because not all costs are borne from the public purse, parents of children enrolled in the school pay a modest tuition fee.

In Saskatoon, three separate parent groups have also successfully established alternate school arrangements with the Roman Catholic School Board.

These types of arrangements may be attractive to parents, educators and public policy makers as a positive solution to encourage parental involvement in schooling, support values of choice and diversity in educational experience and continue interaction between groups of parents and children within local communities.

In 1985, as part of its review of private schooling in Ontario, the Report of The Commission of Private Schools put forward a detailed series of recommendations concerning the possible introduction of such an Associated School concept in Ontario.

These recommendations are appended to this report (see Appendix D) and should be given serious consideration for implementation in Saskatchewan, with some amendments, should the present Associated School arrangements prove to be models which the provincial government would want to encourage in Saskatchewan.

10. Impacts of Recommendations

The recommendations offered in this report, if enacted, should satisfy societal concerns that the quality of education being provided in private school and home school settings is adequate to meet the test of ensuring an educated citizenry. Directors of education will be relieved of an impractical responsibility to supervise private schools. Obligating the Department of Education to assume this responsibility will require the employment of at least one and possibly two inspectors, thus incurring an annual cost of approximately $100,000.

The recommendation to exempt private school property from taxation would result in an overall revenue loss of $209,000 to Saskatchewan municipalities.

The recommendation to provide school boards with per pupil grants from the Department of Education for home schoolers, assuming a home school population of 500 students across the province and assuming that no school board presently receives funds for home schoolers, would cost the Department of Education approximately an additional $618,000 annually in grants given to school boards (using average Division II per pupil grant levels for calculation purposes and assuming a fifty percent grant would be offered).

If the Department were to provide an annual materials/equipment grant in an amount of $50 per pupil to all private schools which did not meet present

operating grant criteria, it would cost the Department approximately $61,800 annually.

These recommendations, if implemented, would imply a total cost to the Department of Education of approximately $800,000 annually, assuming no change of status in the present configuration of private schools operating in the province.

11. Conclusions

During the past decade support for private schooling in Saskatchewan has grown considerably, with enrollments increasing from 1,621 students to 3,133 students during that period. However, private school enrollment comprises only 1.6 per cent of total public and separate school enrollment. It is anticipated that private school support will continue to increase in the future, but not to any significant extent such that the practice or quality of public schooling would be threatened.

Students attending Saskatchewan's private schools are generally receiving a satisfactory education. However, this province lacks proper regulatory legislation to ensure that private schools are periodically inspected and that satisfactory instruction is being offered.

The public, including parents, students and education officials, have a right to know that all children are receiving satisfactory instruction, and the government has a duty to define and implement a regulatory mechanism which will satisfy society's legitimate interest in private education, while respecting parent rights.

A private school regulatory framework is required which places the onus for private school inspection upon Department of Education officials, specifies criteria to be used when inspecting private schools and provides for a fair, dispute-settling mechanism. As well, there is need for a standardized approach

to the supervision of home schooling sites in the province which will clearly define the duties and responsibilities of parents and education officials.

The Department of Education should continue to provide operational/capital grant funding to the private high schools presently operating in the province, but should not undertake a major extension of operating/capital assistance to other private schools. A case can be made, however, to provide these schools with a modest materials/equipment grant. Such assistance should only be offered at an appropriate time, given the present fiscal constraints facing the public treasury, and should not be taken from funds allocated to support public schools, which should be the prime beneficiary of public dollars spent on education in order to ensure equality of access to an adequate education opportunity for all children.

The levying of property taxes on private school property by municipal government is discriminatory and should be immediately prohibited.

The conclusions and recommendations contained in this report have been put forward after considerable study and review of some very difficult, complex, and controversial issues. I do not expect they will receive unanimous support. However, in the opinion of this review, these recommendations should be seen as pragmatic suggestions that can engender a co-operative and tolerant approach to the very sensitive matter of the education of our young and the role of private schooling in that process.

It is hoped that these recommendations will as quickly as possible lead to the implementation of necessary changes in Saskatchewan's public policy

respecting private schooling. Failure to implement needed changes will further exacerbate growing frustrations and tensions among parents and educators.

Appendix A
Private Schools in Saskatchewan

Source: Saskatchewan Department of Education

Name of School	Grades	Religious Affiliation	Enrollments 1982-83	1983-84	1984-85	1985-86	1986-87
Athol Murray College of Notre Dame (Region 1)	9-12	Roman Catholic	342	346	356	400	407
Western Christian College (Region 1)	10-12	Church of Christ	108	129	113	105	97
St. Angela's Academy (Region 2)	10-12	Roman Catholic	68	64	65	76	66
Rosthern Junior College (Region 4)	10-12	Mennonite	137	122	131	123	124
Lutheran Collegiate Bible Institute (Region 4)	10-12	Lutheran	96	89	72	99	102
Luther College (Region 7)	9-12	Lutheran	391	412	444	419	478
Rivier Academy (Region 5)	7-12	Roman Catholic	191	196	207	210	202
Caronport High School (Region 7)	9-12	Non-Denominational	316	298	302	306	305
College Mathieu (Region 2)	8-12	Roman Catholic	83	90	113	115	116
Sub-Total			1,732	1,746	1,803	1,853	1,897
Sacred Heart High School (Region 3)	9	Roman Catholic	53	54	52	55	48
St. Joseph's High School (Region 1)	K-11	Privately Owned	15	6	8	5	5
Sub-Total			68	60	60	60	53
Parkland Christian Academy (Region 3)	Ungraded ACE Program	Interdenominational	12	11	19	16	17
Churchbridge Christian Academy (Region 3)	Ungraded ACE Program	Interdenominational	-	17	21	23	36
Word Shop Christian Academy (Region 4)	Ungraded ACE Program	Interdenominational	9	12	7	8	8
Kindersley Christian Academy (Region 4)	Ungraded ACE Program	Interdenominational Full Gospel Church	9	20	19	17	26
Meadow Lake Christian Academy (Region 6)	Ungraded ACE Program	Interdenominational Penetecostal	-	-	22	29	23

Prince Albert Christian Academy (Region 5)	Ungraded ACE Program	Interdenominational	14	10	42	28	35
Victory Christian Academy (Region 5)	Ungraded ACE Program	Interdenominational	41	64	78	65	44
Maranatha Christian Academy (Region 7)	Ungraded ACE Program	Interdenominational	89	84	80	71	69
Christian Center Academy (Region 4)	Ungraded ACE Program	Interdenominational	81	102	124	123	138
Fellowship Chapel Christian Academy (Region 4)	Ungraded ACE Program	Interdenominational	-	6	11	14	16
Watson Christian Center Academy (Region 5)	Ungraded ACE Program	Interdenominational	-	-	-	7	12
Faith Alive Christian Academy (Region 4)	Ungraded ACE Program	Interdenominational	56	60	48	52	51
Full Gospel Christian Academy (Region 6)	Ungraded ACE Program	Interdenominational	-	-	25	24	21
Radiant Life Christian School (Region 1)	Ungraded ACE Program 2-7	Interdenominational	-	-	-	-	8
Prayer Baptist Christian School (Region 5)	Ungraded ACE Program	Baptist	-	-	-	5	2
Sub-Total			311	386	496	482	506
Regina Christian School (Region 7)	K - 8	Non-denominational	-	-	-	48	74
Saskatoon Christian School (Region 4)	1 - 8	Non-denominational (Dutch Reformed)	-	33	40	58	61
North Battleford Heritage Christian School (Region 6)	K - 9	Non-denominational	19	27	49	64	79
Sub-Total			19	60	89	170	214
Countryside School (Region 3)	1 - 9	Mennonite	38	40	43	45	49
Pasquia Hills Christian School (Region 5)	1 - 9	Mennonite	6	8	9	11	6
Wheatland Christian School (Region 6)	1 - 9	Mennonite	5	6	10	13	16
North Star Private School (Region 3)	1 - 8	Mennonite	13	15	18	20	23
Plains Christian Day School (Region 4)	1 - 10	Mennonite	16	23	28	36	37
Rheinland Mennonite School (Region 4)	1 - 10	Mennonite	55	53	46	47	38
Swanson Christian School (Region 4)	1 - 9	Mennonite	13	15	19	21	25
Sub-Total			146	160	173	193	194
Macrorie Seventh-Day Adventist School (Region 4)	1 - 9	Seventh-Day Adventist	5	4	4	4	-
Seventh Day Adventist School (Region 7)	2 - 9	Seventh-Day Adventist	7	8	7	5	7

Seventh-Day Adventist Elem. School (Region 7)	1-3	Seventh-Day Adventist	6	5	6	5	5
Battleford Seventh-Day Adventist School (Region 6)	K-6	Seventh-Day Adventist	6	5	5	10	8
Quill Lake Junior Academy (Region 5)	1-8	Seventh-Day Adventist	8	8	10	11	9
Curtis-Horne Jr. Academy (Region 7)	1-10	Seventh-Day Adventist	27	32	34	38	51
Rosthern Adventist Academy (Region 7)	3-9	Seventh-Day Adventist	22	18	15	14	11
Seventh Day Adventist Jr. Academy (Region 4)	1-10	Seventh-Day Adventist	36	44	42	31	38
Tugaske Seventh Day Adventis Church School (Region 7)	1-6	Seventh-Day Adventist	8	8	10	7	7
Seventh Day Adventist Jr. Academy (Region 3)	K-10	Seventh-Day Adventist	36	32	30	32	35
Sub-Total			161	164	163	157	171
Cornwall St. Tutoring Special (Region 7)	6-12		40	35	42	48	48
Alta Vista High School (Region 7)	5-12 Special Problem		37	33	24	20	21
Ranch-Ehrlo (Region 7)	Grade level		29	32	32	25	29
Sub-Total			106	100	98	93	98
TOTAL			2543	2676	2882	3008	3133

Appendix B
Private Schools and Municipal Taxation

School	Location	Municipal Mill rate	School Mill Rate	Taxable Assessment	Municipal Taxes	School Taxes	Exempt Assessment	Exempt Municipal Taxes	Exempt School Taxes	Basis for Exemption
Athol Murray	Wilcox	35	45				1729,410	625,529.35	832,823.45	Private Member Bill
St. Angela's	Prelate	32	61				450,930	14,429.97	27,506.73	Private Member Bill
Rosthern Junior	Rosthern	70	35.5				309,790	21,685.30	17,137.05	Exempt by Council
Luthern Collegiate	Outlook	50	54				314,890	18,758.60	16,999.20	Exempt by Council
Luther College	Regina	66.8	57				509,850	34,057.98	29,061.45	Private Member Bill
Rivier Academy	Prince Albert	39	62.7	26,340	1,554.06	1,651.52	1,795360	105,926.24	112,569.07	Private Member Bill
Mathieu College	Gravelbourg	39	60				353,110	13,771.29	21,186.60	Private Member Bill
St Joseph's	Vibert	50	58	51,070	2,553.50	2,962.06	all -- all	taxable		
Parkland Christian	Canora	59	53				10,940	645.46	579.82	Except as a Church
Churchbridge Christian	Churchbridge	42	51				18,080	729.96	962.88	Except as a Church
Kindersley Christian	Kindersley	50	53				8,590	498.22	455.27	Except as a Church
Prince Albert Christian	Prince Albert	39	62.7				17,930	1,059.05	1,125.47	Except as a Church
Meadow Lake Christian	Meadow lake	78	50				43,080	3,362.24	2,154.00	Exempt by Council
Victory Christian	Prince Albert	39	62.7	67,720	3,995.48	4,246.04	41,910	2,472.69	2,627.76	Church Portion
Maranatha Christian	Regina	66.8	57	161,010	10,757.47	9,179.28	221,070	15,133.48	13,170.99	Except as a Church

Christian Centre	Saskatoon	45.1	55.7	226,560	10,217.06	12,619.39	136,160	6,140.82	7,584.11	GST Council Rebate in 1986
Fellowship Gospel	Saskatoon	"	"	690,570	31,144.71	38,464.75	80,820	3,644.98	4,501.67	GST Council Rebate in 1986
Watson Christian	Watson	57	60.5				28,910	1,647.87	1,749.06	Exempt by Council
Faith Alive Christian	Saskatoon	45.1	55.7				53,570	2,416.01	2,983.85	Exempt by Council (to be reviewed)
Prayer Baptist	Porcupine Plain	45	47.5				7,980	359.10	379.05	Exempt as a Church
Saskatoon Christian	Saskatoon	45.1	55.7	86,830	3,916.03	4,836.43	151,410	6,828.39	8,433.54	Exempt by Council
Countryside Mennonite	Saltcoats	40	53	15,910	636.40	843.23	nil -- all	taxable		
Plains Christian	Osler	50	56				7,170	358.50	401.52	Exempt as a Church
Rheinland Mennonite	"	"	"				9,680	484.00	542.08	Exempt as a Church
Seventh Day Adventist	Moose Jaw	55.1	60.3	2,600	143.26	167.18	24,770	1,364.83	1,592.71	Exempt as a Church
Seventh Day Adventist	North Battleford	60.5	55	2,150	130.08	118.25	nil -- all	taxable		
Curtis-Horne	Regina	66.8	57	81,120	5,418.82	4,623.84	62,690	4,187.69	3,573.33	Had been exempt as a church. Exemption now withdrawn.
Rosthern Adventist	Rosthern	70	55.5				10,149	709.90	562.77	Exempt by Council
Seventh-day Adventist	Saskatoon	45.1	55.7				90,250	4,070.79	5,026.93	Private Member Bill

Seventh Day Adventist	Tugaske	33	59				8,470	279.51	499.73	Except by Council
Seventh Day Ad.	Yorkton	51	50	124,600	4,354.60	4,230.00	nil -- all	taxable		
Alta Vista	Regina	46.8	57	9,830	456.64	560.31	nil -- all	taxable		
Ranch-Ehrlo	Pilot Butte	32	62.3	93,760	3,000.32	3,441.25	nil -- all	taxable		
Heritage Christian	North Battleford	-	-							Located in a church - except
Word Shop Christian	D'Arcy RM 290	37	53.8							Located on a farm - except
North Star	Hyas RM 333	40	50							Never assessed — except
Seventh Day Adventist	Mayfair RM 466	55	58.2				5,330	294.25	311.37	Except as a school
Junior Academy	Quill Lake RM 348	52	56.4							Except as a church
Seventh Day Adventist	Macrorie RM 255	48	54							Operation unknown
Swanson Christian	Delisle RM 315	46	60.8				33,490	1,540.54	2,036.19	Except as a church
Wheatland Christian	Hallberg RM 442	45	60.2							Not assessed (Mennonite)
Pasqua Hills Christian	Carrot River RM 486	57	47.1				9,070	516.99	427.19	Except as a church
Regina Christian	Regina	46.8	57							Part of Regina school div. 84
Full Gospel Christian	Frenchman Butte RM 501	54	51.3							Located on farm land - except
Western	Weyburn	42.4	50.7	118,320	5,016.76	5,998.82	Except portion	unknown		Western Christian

Christian	RM 67									College Act
Caronport High School	Caronport RM 162	26	48	339,410	8,924.86	16,291.49	975,430	25,261.18	46,829.64	80% exempt school & housing
Total				$2,097,830	$94,319.85	$114,634.05	$6,570,030	$318,195.09	$369,784.29	

Compiled by: Advisory Services Branch
Urban Affairs
Data Source: Sask. Assessment Authority

Appendix C
Goals of Education for Saskatchewan

Source: Saskatchewan Department of Education

Basic Skills

1. Read, write, and compute.
2. Acquire information and meaning through observing, listening, reading, and experiencing.
3. Process information through intellectual and technological means.
4. Solve problems by applying basic principles and processes of the sciences, arts, and humanities.
5. Communicate ideas through written and spoken language, mathematical symbols, and aesthetic expression.

Life-Long Learning

1. Seek and value learning experiences.
2. Act as self-reliant learners.
3. Base actions on the knowledge that it is necessary to learn throughout life.

Understanding and Relating to Others

1. Act on the belief that each individual is worthwhile.
2. Base actions on the recognition that people differ in their values, behaviours, and life styles.

3. Interact and feel comfortable with others who are different in race, religion, status, or personal attributes.
4. Develop a sense of responsibility toward others.

Self Concept Development

1. Perceive themselves in a positive.
2. Appreciate their own abilities and limitations.
3. Set and work toward personal goals.
4. Assess praise and criticism realistically.
5. Present themselves with confidence.

Positive Life Style

1. Practice appropriate personal hygiene, engage in sufficient physical activity, and maintain a nutritionally balanced diet.
2. Avoid harmful use of alcohol and other drugs.
3. Cultivate interests that may be the basis for personal development and leisure pursuits.
4. Recognize the importance of productive activity.
5. Display initiative and pursue tasks diligently.
6. Maintain a safe and healthful community.
7. Respect and seek to enhance the environment.
8. Appreciate beauty in its many natural and constructed forms.
9. Express themselves creatively.

Spiritual Development

1. Seek and understanding of the purpose and worth of human existence.
2. Develop a knowledge of God.
3. Respect family, religion, and culture in a pluralistic society.

Career and Consumer Decisions

1. Develop an awareness of career opportunities.
2. Develop interests and abilities in relation to vocational expectations.
3. Adapt to shifts in employment patterns and technology.
4. Make informed consumer decisions.

Membership in Society

1. Assume responsibility for their own actions.
2. Work with others to achieve individual and group goals.
3. Participate in the democratic processes of government and perform the duties of citizenship.
4. Respect the rights and property of others.
5. Act with honesty, integrity, compassion, and fairness.
6. Develop a sense of national pride and acknowledge the need for international understanding.
7. Work toward greater social justice.
8. Assume responsibility for dependent persons in a manner consistent with their needs.
9. Respect law and authority.
10. Exercise the right of dissent responsibly.

Growing with Change

1. Work toward immediate and long-term goals.
2. Base actions on an understanding that change is a natural process in society.
3. Select workable alternatives in response to changing conditions.
4. Develop confidence in making decisions that involve risk.

Appendix D
Associated School Recommendations

Source: The Report of the Commission on Private Schools in Ontario

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The continued health and viability of the Province's public schools are not, however, the Commission's only objective. This health and viability might in some circumstances be achieved without having to deal with the Commission's intention to both increase parental choice and deal with the discrimination that characterizes a policy which provides public funding to the schools of only one particular religious community. Interestingly, the beginnings of a possible response to the multiple objectives of the Commission can be found in current practice. Across Ontario, at the moment, a variety of cooperative (and, generally, informal) arrangements have been established between board schools and private schools. There are, for example, some students from private schools who ride on the same buses as public school students; there are some students from private schools who take credit courses at neighbouring public schools; some teaching staff from private schools share with their colleagues from publicly funded schools in programmes of professional development; and, in some cases, students from local public schools use the facilities and resources of a private school. Each of these arrangements is rooted in a specific situation. It does seem to the Commission, however, that the key ingredient to the success of the continuing associations between publicly funded and private schools has been the ability of the representatives of the schools involved (publicly funded and private) to negotiate an arrangement that meets the needs of the parents and children of both school communities. The Commission believes that this model of negotiation should be encouraged not so much for the potential economies involved as for the positive effect of the continuing interaction between the school communities. The Commission also believes that in as many situations as possible the association between a board school and an independent school should be both substantial and formal. Therefore, the Commission recommends:

21. That an associated school be defined in law as an independent school that has come to an agreement with a local school board to operate in association with that board and in addition to offering satisfactory instruction (see Recommendation 2):

- **(i) employs only Ontario certified teachers (except where letters of permission are appropriate);**
- **(ii) charges no tuition;**
- **(iii) is, within enrolment and academic constraints, open without distinction as to race, ethnic background or religion to all persons of compulsory school age who, subject to the appropriate constitutional protections, agree to participate fully in the programme of the associated school;**
- **(iv) is a non-profit organization;**
- **(v) is not designed primarily to offer special education programmes and services;**
- **(vi) reports annually to the school board with which it is associated on its financial and instructional operation;**
- **(vii) is operated by a board of governors, at least half the membership of which shall be composed of parents of students attending the school.**

The above recommendation would create a new category of school: the associated independent school. Given the standards of access and accountability specified in Recommendation 21, it is likely that there will be many independent schools who would regard this particular status as inappropriate to their own objectives. The Commission believes, however, that there would be some school boards and some independent schools

that would find this new arrangement attractive. The Commission recognizes that given the various needs of both independent and board schools (and the communities that they serve) either could be interested in initiating an "association" and, therefore, the Commission recommends:

> **22. That the Ministry of Education introduce legislation to provide authority for either the board of governors of an independent school within the area of jurisdiction of a local school board or the local school board itself to enter into negotiations in order to reach an agreement enabling an independent school meeting the conditions specified in Recommendation 21 to become an associated school with that school board.**

Publicly elected boards are expected to negotiate at the request of an independent school. Negotiations, however, particularly in the initial stages, may be delicate and lengthy, and in some instances arbitration may be required in order to effect an equitable agreement. Therefore, the Commission recommends:

> **23. That, if, after a calendar year of negotiation or an attempt to negotiate, an agreement to establish an associated school cannot be reached, the board of an independent school may appeal to the Minister of Education for arbitration in completing such an agreement;**
>
> **and**
>
> **24. That, in the event of such an appeal, both the local school board and the board of the independent school shall submit in writing to the Minister details of the negotiations and specific reasons for the impasse. The Minister's decision shall be final and will take into account, but not be limited to, the effect that a new school unit may have on the local boards' schools.**

In support of an agreed-upon association under the conditions specified in Recommendation 21, the Commission believes that public funds should be made available for the operation of the associated school. Therefore, the Commission recommends:

> **25. That, in support of the association between an independent school and a local school board, the Province of Ontario provide an annual grant equal to the average per-pupil operating costs for the elementary and/or secondary schools experienced by the local school boards in the previous year multiplied by the enrolment of the associated school in that same year.[1]**

The Commission's view is that the grant provided by the Province should be shared between the associated independent school and its "host" school board. The way in which this grant would be shared would vary depending on the specific arrangements worked out between the two school communities. The expectation of the Commission is that an associated school would utilize the economies of the local board's administrative and consultative services, that the recommended arrangements for transportation and learning materials (see Recommendations 19 and 20) would be included in the services to be provided through the local board, and that the associated school agreements would encourage the maximum feasible interaction and joint experience of all students and staff. Therefore, the Commission recommends:

> **26. That the annual associated school grant be shared between the local school board and its associated school in amounts based on the specific arrangements negotiated between the two parties, such arrangements to reflect both the programme range and operating costs of the associated school and the programmes and services of the local school board to which the associated school is to have access.**

It is to be understood that normally the associated school and local board will receive not less than 75% and 15% of the grant respectively. The Commission hopes and expects that

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[1] If the associated independent school is in its first year of operation, its September 30 enrolment will be used as the basis for the calculation of the operating grant.

the advantages of very broad based programming and certain economies of scale that accrue to publicly funded school boards may be the focal points for the services and programmes to be utilized by the associated school and for which the local school board will be accountable. Therefore, the Commission recommends:

27. That the responsibilities of a school board associated with an independent school include such administrative (e.g., transportation), consultative and programme services as are negotiated with the independent school and that the local school board provide to the Minister of Education and to the board of governors of the associated school an annual statement of its services provided to the associated school.

The Commission is also convinced that in a multicultural society and in the name of tolerance and understanding every effort should be made to increase the probability that young people of differing backgrounds will have some opportunity for shared experience. Therefore, the Commission recommends:

28. That an associated school and its local school board be encouraged to share programmes, especially curricular programmes that would broaden student academic choice as well as co-curricular programmes such as sports, club activities and community outreach; the costs of such arrangements to be a part of the negotiated agreement between the board of the associated school and the local school board.

Since only operational funding is to be provided to associated independent schools by the public treasury and since no tuition charge is to be levied, the board of an associated independent school will require continued community commitment and participation in order to provide both for capital requirements and, where appropriate, the unique character of the school itself. Therefore, the Commission recommends:

29. That the board of an associated school be empowered to:

- **(i) raise funds and issue tax receipts for capital and special programme requirements but not for tuition;**
- **(ii) within the constraints of satisfactory instruction, design and implement curriculum;**
- **(iii) purchase, rent, own and lease property;**
- **(iv) hire and supervise staff;**
- **(v) establish compensation policy;**
- **(vi) establish enrolment levels;**
- **(vii) provide a religious base for school programmes.**

Any effort to move into an innovative mode such as the associated schools concept should not be inhibited by the peculiarities of the moment. Included in these could be the qualifications of the teachers in the associated independent schools. Inasmuch as Recommendation 21 requires Ontario certification (except where letters of permission are appropriate), some transitional period of grace should be provided. Therefore, the Commission recommends:

30. That uncertified teachers on the staff of an associated school at the time of the signing of an association agreement with a local board be given seven years from that time to obtain an Ontario Teacher's Certificate.

The public funding of independent schools through the associated school concept has a number of important advantages. Crucial among these is that it represents, in the view of the Commission, a reasonable remedy for the currently discriminatory practice of the Province in limiting its special funding to the Roman Catholic separate schools. The basis of the proposed remedy is not equality. The Commission does not believe that it would be reasonable to suggest that either (a) the history and special constitutional status of the Roman Catholic separate schools are of no account or (b) the Province should consider the establishment and full funding of elaborate and publicly-elected trustee systems for groups of whatever size that wish to establish an independent, but publicly funded, school. The basis of the proposed remedy is, therefore, not equality but equity, and it seems to the Commission that equity is served by the associated schools

concept in which somewhat lower levels of public funding (i.e., only operational support is provided) are associated with somewhat lower levels of public responsibility in terms of both range and independence of programme. At the same time, substantial public funding of independent schools is limited to those independent schools which: (a) are willing to associate themselves with a local school board; (b) will be open to students irrespective of their race, religion, or ethnic background;[1] (c) do not levy tuition charges; (d) provide elementary and/or secondary schooling at an operating cost not substantially greater than that at which the Province is willing to support its public schools.

The Commission recognizes that the standards and conditions described immediately above and in some earlier sections of the Report may be unwelcome and perceived as inappropriate, perhaps even as punitive, by some independent schools. The Commission disagrees with this point of view and can only reiterate that from its perspective the proposed policy appropriately matches public funding to public responsibility and public purpose. It leaves to the individual independent school the choice between values of association and the values of greater independence — both fiscal and otherwise.[2]

At the same time, the Commission was anxious not to unduly jeopardize the special character of an independent school which chooses to negotiate an association with a local school board. Thus, an associated independent school can elect to have a religious basis to its programme and students selecting the school must, subject to any constitutional constraints, participate in the full programme offered by that school. It is admitted that the open enrolment standard (see Recommendation 21) may introduce some difficulty in this area, but the Commission suggests that it is preferable to deal with this problem when and if it develops rather than to put forward any proposal for a publicly funded school that restricts its admission on what the Commission regards as inappropriate grounds.

A further advantage of the associated schools approach is that it is likely to increase the diversity of educational offerings available to Ontario students and Ontario families at little or no direct cost to the student or family at the point of service. Moreover, and in some ways more importantly, public funding will become available to educational variations of direct interest to families and lay persons as well as those developed by the education professionals.

Finally, the associated schools proposal takes into account the Province's public schools. It is only through a substantive association with a local school board that an independent school can substantially access the public funding programme, and to the local boards, therefore, will fall the challenges and opportunities of leadership within the entire spectrum of the Province's schooling arrangements. The Commission hopes that careful experimentation with the associated school programme will provide the government and the citizens of Ontario with real rather than hypothetical (and, therefore, rhetorical) experience with how we are to live together independently. The ability to do so, that is, to live together independently, is essential to what is apparently Ontarians' shared vision of a democratic but pluralistic and multicultural society. This is a real challenge in the sense that any realization of the vision will not be simple. What may be simple and, moreover, frequently tempting is an opting for a more segmented and more segregated alternative.

In some sense, this is also the difficulty with the associated schools proposal. Not only does it potentially deliver both the public schools and the independent schools each into the hands of its enemy (i.e., the other) but, by a further sub-division of the publicly funded school sector, it might be seen as contributing to social divisiveness as opposed to social cohesion. In principle, if we in Ontario were forging an entirely new school system, the Commission would have some considerable sympathy with the social divisiveness argument. Ontario is not, however, designing a new school system *ab initio*. Further, in all but official rhetoric, Ontario has already parted from the common school

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[1] The Commission recognizes that the Roman Catholic separate schools are not always open to non-Catholic students. It believes, however, that this policy is mistaken and that all publicly funded schools should be open on no less than the same basis as described herein for associated schools.

[2] Greater independence may also attract some school groups to the associated schools notion but, unfortunately, away from the alternative schools option in the public sector (see Recommendation 36).

idea in many ways (e.g., the establishment of the separate school, the legitimization of independent schools based on the ability to pay, the frequently homogeneous grouping of children by neighbourhoods, the profound programmatic differentiation both at the secondary level and for young people with special needs, and the self-selection of students into French immersion programmes), each of which can be regarded as socially divisive. Thus, it hardly seems reasonable to draw the line at independent schools, for this would have the effect of suggesting that only educational variations supported by the educational establishment should be subsidized. If there is one impression made strongly by Ontario parents in the experience of the Commission, it is that parents wish to have a more direct influence and more direct input into the education of their children. The associated schools proposal provides one such opportunity. It is not without risk, but in the opinion of the Commission, it is a reasonable risk to take.

What is unreasonable is to expect that associated independent schools will find their status of association subject to the vagaries related to the shifting and fascinating politics of local school board elections. Therefore, the Commission recommends:

31. That the conditions of agreement between the board of governors of an independent school and a local school board to establish an associated school be in writing and subject to the approval of the Minister of Education that the agreement satisfies the requirements of the relevant provincial policy;

and

32. That termination of a written agreement between the board of governors of an independent school and a local school board be by mutual agreement of the boards involved or by a written request to cancel the agreement by one board and the approval of this request by the Minister of Education.

Finally, there is the matter of the cost to the provincial treasury of the associated school programme. These costs are difficult to estimate since they are so dependent upon the number and size of independent schools reaching an associated school agreement with a local school board. The Commission's estimate is that after five years approximately 18,000 (12,000 elementary and 6,000 secondary) of the Ontario students now in independent schools may be enrolled in associated independent schools. Given the 1984 per-pupil operating cost of $2,297.00 elementary and $3,140.00 secondary, exclusive of transportation, this would result in an annual cost of approximately $51,000,000.00 (including transportation) for the funding of the associated schools.